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Avarna, Duke d', *Italian Ambassador to Austria-Hungary.*  
Bapst, M., *French Minister to Denmark.*  
Barrere, M., *French Ambassador to Italy.*  
Benckendorff, Count, *Russian Ambassador to Great Britain.*  
Berchtold, Count, *Secretary of State for Foreign Affairs of Austria-Hungary.*  
Berthelot, M., *Political Director of France.*  
Bertie, Sir Francis, *British Ambassador to France.*  
Bethmann-Hollweg, Dr. von, *Imperial Chancellor of Germany.*  
Beyens, Baron, *Belgian Minister to Germany.*  
Bienvenu-Martin, M., *Minister of Justice and Acting Minister for Foreign Affairs of France.*  
Bompard, M., *French Ambassador to Turkey.*  
Boppe, M., *French Minister to Serbia.*  
Boschkovitch, M., *Serbian Minister to Great Britain.*  
Bronefsky, M., *Russian Chargé d'Affaires at Berlin.*  
Buch, Herr von, *German Minister to Luxemburg.*  
Buchanan, Sir George, *British Ambassador to Russia.*  
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Crackanthorpe, Mr., *First Secretary of the British Legation at Belgrade.*  
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- Flotow, Herr von, *German Ambassador to Italy.*  
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 Jehay, Count van den Steen de, *Belgian Minister to Luxemburg.*  
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 San Giuliano, Marquis di, *Minister for Foreign Affairs of Italy.*  
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 Scézsén, Count, *Austro-Hungarian Ambassador to France.*  
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Sevastopoulo, M., *Russian Chargé d'Affaires at Paris.*  
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Thiébaud, M., *French Minister to Sweden.*  
Tombeur, M., *Vice-Governor of the Katanga.*  
Tschirsky, Herr von, *German Ambassador to Austria-Hungary.*  
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DESPATCH FROM HIS MAJESTY'S AMBASSADOR AT VIENNA RESPECTING THE  
RUPTURE OF DIPLOMATIC RELATIONS WITH THE AUSTRO-HUNGARIAN  
GOVERNMENT <sup>1</sup>

*Sir M. de Bunsen to Sir Edward Grey*

LONDON, *September 1, 1914.*

Sir: The rapidity of the march of events during the days which led up to the outbreak of the European war made it difficult, at the time, to do more than record their progress by telegraph. I propose now to add a few comments.

The delivery at Belgrade on the 23rd July of the Austrian note to Servia was preceded by a period of absolute silence at the Ballplatz. Except Herr von Tchirsky, who must have been aware of the tenor, if not of the actual words of the note, none of my colleagues were allowed to see through the veil. On the 22nd and 23rd July, M. Dumaine, French Ambassador, had long interviews with Baron Macchio, one of the Under-Secretaries of State for Foreign Affairs, by whom he was left under the impression that the words of warning he had been instructed to speak to the Austro-Hungarian Government had not been unavailing, and that the note which was being drawn up would be found to contain nothing with which a self-respecting state need hesitate to comply. At the second of these interviews he was not even informed that the note was at that very moment being presented at Belgrade, or that it would be published in Vienna on the following morning. Count Forgach, the other Under-Secretary of State, had indeed been good enough to confide to me on the same day the true character of the note, and the fact of its presentation about the time we were speaking.

So little had the Russian Ambassador been made aware of what was preparing that he actually left Vienna on a fortnight's leave of absence about the 20th July. He had only been absent a few days when events compelled him to return. It might have been supposed that Duc Avarna, Ambassador of the allied Italian Kingdom, which was bound to be so closely affected by fresh complications in the Balkans, would have been

<sup>1</sup> British Command Paper, 7596, Miscellaneous, No. 10 (1914).

taken fully into the confidence of Count Berchtold during this critical time. In point of fact his Excellency was left completely in the dark. As for myself, no indication was given me by Count Berchtold of the impending storm, and it was from a private source that I received on the 15th July the forecast of what was about to happen which I telegraphed to you the following day. It is true that during all this time the *Neue Freie Presse* and other leading Viennese newspapers were using language which pointed unmistakably to war with Serbia. The official *Fremdenblatt*, however, was more cautious, and till the note was published, the prevailing opinion among my colleagues was that Austria would shrink from courses calculated to involve her in grave European complications.

On the 24th July the note was published in the newspapers. By common consent it was at once styled an ultimatum. Its integral acceptance by Serbia was neither expected nor desired, and when, on the following afternoon, it was at first rumored in Vienna that it had been unconditionally accepted, there was a moment of keen disappointment. The mistake was quickly corrected, and as soon as it was known later in the evening that the Servian reply had been rejected and that Baron Giesl had broken off relations at Belgrade, Vienna burst into a frenzy of delight, vast crowds parading the streets and singing patriotic songs till the small hours of the morning.

The demonstrations were perfectly orderly, consisting for the most part of organized processions through the principal streets ending up at the Ministry of War. One or two attempts to make hostile manifestations against the Russian Embassy were frustrated by the strong guard of police which held the approaches to the principal embassies during those days. The demeanor of the people at Vienna, and, as I was informed, in many other principal cities of the monarchy, showed plainly the popularity of the idea of war with Serbia, and there can be no doubt that the small body of Austrian and Hungarian statesmen by whom this momentous step was adopted gauged rightly the sense, and it may even be said the determination, of the people, except presumably in portions of the provinces inhabited by the Slav races. There had been much disappointment in many quarters at the avoidance of war with Serbia during the annexation crisis in 1908 and again in connection with the recent Balkan war. Count Berchtold's peace policy had met with little sympathy in the Delegation. Now the flood-gates were opened, and the entire people and press clamored impatiently for im-



mediate and condign punishment of the hated Servian race. The country certainly believed that it had before it only the alternative of subduing Serbia or of submitting sooner or later to mutilation at her hands. But a peaceful solution should first have been attempted. Few seemed to reflect that the forcible intervention of a great Power in the Balkans must inevitably call other great Powers into the field. So just was the cause of Austria held to be, that it seemed to her people inconceivable that any country should place itself in her path, or that questions of mere policy or prestige should be regarded anywhere as superseding the necessity which had arisen to exact summary vengeance for the crime of Serajevo. The conviction had been expressed to me by the German Ambassador on the 24th July that Russia would stand aside. This feeling, which was also held at the Ballplatz, influenced no doubt the course of events, and it is deplorable that no effort should have been made to secure by means of diplomatic negotiations the acquiescence of Russia and Europe as a whole in some peaceful compromise of the Servian question by which Austrian fears of Servian aggression and intrigue might have been removed for the future. Instead of adopting this course the Austro-Hungarian Government resolved upon war. The inevitable consequence ensued. Russia replied to a partial Austrian mobilization and declaration of war against Serbia by a partial Russian mobilization against Austria. Austria met this move by completing her own mobilization, and Russia again responded with results which have passed into history. The fate of the proposals put forward by His Majesty's Government for the preservation of peace is recorded in the White Paper on the European Crisis.<sup>2</sup> On the 28th July I saw Count Berchtold and urged as strongly as I could that the scheme of mediation mentioned in your speech in the House of Commons on the previous day should be accepted as offering an honorable and peaceful settlement of the question at issue. His Excellency himself read to me a telegraphic report of the speech, but added that matters had gone too far; Austria was that day declaring war on Serbia, and she could never accept the conference which you had suggested should take place between the less interested Powers on the basis of the Servian reply. This was a matter which must be settled directly between the two parties immediately concerned. I said His Majesty's Government would hear with regret that hostilities could not be arrested, as you feared they would lead to

<sup>2</sup> Miscellaneous, No. 6 (1914), printed in Supplement to this JOURNAL for October, 1914, pp. 251-372.

European complications. I disclaimed any British lack of sympathy with Austria in the matter of her legitimate grievances against Serbia, and pointed out that, whereas Austria seemed to be making these the starting point of her policy, His Majesty's Government were bound to look at the question primarily from the point of view of the maintenance of the peace of Europe. In this way the two countries might easily drift apart.

His Excellency said that he too was keeping the European aspect of the question in sight. He thought, however, that Russia would have no right to intervene after receiving his assurance that Austria sought no territorial aggrandizement. His Excellency remarked to me in the course of his conversation that, though he had been glad to co-operate towards bringing about the settlement which had resulted from the ambassadorial conferences in London during the Balkan crisis, he had never had much belief in the permanency of that settlement, which was necessarily of a highly artificial character, inasmuch as the interests which it sought to harmonize were in themselves profoundly divergent. His Excellency maintained a most friendly demeanor throughout the interview, but left no doubt in my mind as to the determination of the Austro-Hungarian Government to proceed with the invasion of Serbia.

The German Government claim to have persevered to the end in the endeavor to support at Vienna your successive proposals in the interest of peace. Herr von Tschirsky abstained from inviting my co-operation or that of the French and Russian Ambassadors in carrying out his instructions to that effect, and I had no means of knowing what response he was receiving from the Austro-Hungarian Government. I was, however, kept fully informed by M. Schebeko, the Russian Ambassador, of his own direct negotiations with Count Berchtold. M. Schebeko endeavored on the 28th July to persuade the Austro-Hungarian Government to furnish Count Szapary with full powers to continue at St. Petersburg the hopeful conversations which had there been taking place between the latter and M. Sazonof. Count Berchtold refused at the time, but two days later (30th July), though in the meantime Russia had partially mobilized against Austria, he received M. Schebeko again, in a perfectly friendly manner, and gave his consent to the continuance of the conversations at St. Petersburg. From now onwards the tension between Russia and Germany was much greater than between Russia and Austria. As between the latter an arrangement seemed almost in sight, and on the 1st August I was informed by M. Schebeko that Count

Szapary had at last conceded the main point at issue by announcing to M. Sazonof that Austria would consent to submit to mediation the points in the note to Servia which seemed incompatible with the maintenance of Servian independence. M. Sazonof, M. Schebeko added, had accepted this proposal on condition that Austria would refrain from the actual invasion of Servia. Austria, in fact, had finally yielded, and that she herself had at this point good hopes of a peaceful issue is shown by the communication made to you on the 1st August by Count Mensdorff, to the effect that Austria had neither "banged the door" on compromise nor cut off the conversations.<sup>3</sup> M. Schebeko to the end was working hard for peace. He was holding the most conciliatory language to Count Berchtold, and he informed me that the latter, as well as Count Forgach, had responded in the same spirit. Certainly it was too much for Russia to expect that Austria would hold back her armies, but this matter could probably have been settled by negotiation, and M. Schebeko repeatedly told me he was prepared to accept any reasonable compromise.

Unfortunately these conversations at St. Petersburg and Vienna were cut short by the transfer of the dispute to the more dangerous ground of a direct conflict between Germany and Russia. Germany intervened on the 31st July by means of her double ultimatums to St. Petersburg and Paris. The ultimatums were of a kind to which only one answer is possible, and Germany declared war on Russia on the 1st August and on France, on the 3rd August. A few days delay might in all probability have saved Europe from one of the greatest calamities in history.

Russia still abstained from attacking Austria, and M. Schebeko had been instructed to remain at his post till war should actually be declared against her by the Austro-Hungarian Government. This only happened on the 6th August when Count Berchtold informed the foreign missions that "the Austro-Hungarian Ambassador at St. Petersburg had been instructed to notify the Russian Government that, in view of the menacing attitude of Russia in the Austro-Servian conflict and the fact that Russia had commenced hostilities against Germany, Austria-Hungary considered herself also at war with Russia."

M. Schebeko left quietly in a special train provided by the Austro-Hungarian Government on the 7th September. He had urgently re-

<sup>3</sup> See No. 137, Miscellaneous, No. 6 (1914), printed in Supplement to this JOURNAL, for October, 1914, p. 359.

quested to be conveyed to the Roumanian frontier, so that he might be able to proceed to his own country, but was taken instead to the Swiss frontier, and ten days later I found him at Berne.

M. Dumaine, French Ambassador, stayed on till the 12th August. On the previous day he had been instructed to demand his passport on the ground that Austrian troops were being employed against France. This point was not fully cleared up when I left Vienna. On the 9th August, M. Dumaine had received from Count Berchtold the categorical declaration that no Austrian troops were being moved to Alsace. The next day this statement was supplemented by a further one, in writing, giving Count Berchtold's assurance that not only had no Austrian troops been moved actually to the French frontier, but that none were moving from Austria in a westerly direction into Germany in such a way that they might replace German troops employed at the front. These two statements were made by Count Berchtold in reply to precise questions put to him by M. Dumaine, under instructions from his government. The French Ambassador's departure was not attended by any hostile demonstration, but his Excellency before leaving had been justly offended by a harangue made by the Chief Burgomaster of Vienna to the crowd assembled before the steps of the town hall, in which he assured the people that Paris was in the throes of a revolution, and that the President of the Republic had been assassinated.

The British declaration of war on Germany was made known in Vienna by special editions of the newspapers about midday on the 5th August. An abstract of your speeches in the House of Commons, and also of the German Chancellor's speech in the Reichstag of the 4th April, appeared the same day, as well as the text of the German ultimatum to Belgium. Otherwise few details of the great events of these days transpired. The *Neue Freie Presse* was violently insulting towards England. The *Fremdenblatt* was not offensive, but little or nothing was said in the columns of any Vienna paper to explain that the violation of Belgian neutrality had left His Majesty's Government no alternative but to take part in the war.

The declaration of Italian neutrality was bitterly felt in Vienna, but scarcely mentioned in the newspapers.

On the 5th August I had the honor to receive your instruction of the previous day preparing me for the immediate outbreak of war with Germany, but adding that, Austria being understood to be not yet at that date at war with Russia and France, you did not desire me to ask

for my passport or to make any particular communication to the Austro-Hungarian Government. You stated at the same time that His Majesty's Government of course expected Austria not to commit any act of war against us without the notice required by diplomatic usage.

On Thursday morning, the 13th August, I had the honor to receive your telegram of the 12th, stating that you had been compelled to inform Count Mensdorff, at the request of the French Government, that a complete rupture had occurred between France and Austria, on the ground that Austria had declared war on Russia who was already fighting on the side of France, and that Austria had sent troops to the German frontier under conditions that were a direct menace to France. The rupture having been brought about with France in this way, I was to ask for my passport, and your telegram stated, in conclusion, that you had informed Count Mensdorff that a state of war would exist between the two countries from midnight of the 12th August.

After seeing Mr. Penfield, the United States Ambassador, who accepted immediately in the most friendly spirit my request that his Excellency would take charge provisionally of British interests in Austria-Hungary during the unfortunate interruption of relations, I proceeded, with Mr. Theo. Russell, Counsellor of His Majesty's Embassy, to the Ballplatz. Count Berchtold received me at midday. I delivered my message, for which his Excellency did not seem to be unprepared, although he told me that a long telegram from Count Mensdorff had just come in but had not yet been brought to him. His Excellency received my communication with the courtesy which never leaves him. He deplored the unhappy complications which were drawing such good friends as Austria and England into war. In point of fact, he added, Austria did not consider herself then at war with France, though diplomatic relations with that country had been broken off. I explained in a few words how circumstances had forced this unwelcome conflict upon us. We both avoided useless argument. Then I ventured to recommend to his Excellency's consideration the case of the numerous stranded British subjects at Carlsbad, Vienna, and other places throughout the country. I had already had some correspondence with him on the subject, and his Excellency took a note of what I said, and promised to see what could be done to get them away when the stress of mobilization should be over. Count Berchtold agreed to Mr. Phillpotts, till then British consul at Vienna under Consul-General Sir Frederick Duncan, being left by me at the Embassy in the capacity of *Chargé des*

*Archives.* He presumed a similar privilege would not be refused in England if desired on behalf of the Austro-Hungarian Government. I took leave of Count Berchtold with sincere regret, having received from the day of my arrival in Vienna, not quite nine months before, many marks of friendship and consideration from his Excellency. As I left I begged his Excellency to present my profound respects to the Emperor Francis Joseph, together with an expression of my hope that His Majesty would pass through these sad times with unimpaired health and strength. Count Berchtold was pleased to say he would deliver my message.

Count Walterskirchen, of the Austro-Hungarian Foreign Office, was deputed the following morning to bring me my passport and to acquaint me with the arrangements made for my departure that evening (14th August). In the course of the day Countess Berchtold and other ladies of Vienna society called to take leave of Lady de Bunsen at the embassy. We left the railway station by special train for the Swiss frontier at 7 P. M. No disagreeable incidents occurred. Count Walterskirchen was present at the station on behalf of Count Berchtold. The journey was necessarily slow, owing to the encumbered state of the line. We reached Buchs, on the Swiss frontier, early in the morning of the 17th August. At the first halting place there had been some hooting and stone throwing on the part of the entraining troops and station officials, but no inconvenience was caused, and at the other large stations on our route we found that ample measures had been taken to preserve us from molestation as well as to provide us with food. I was left in no doubt that the Austro-Hungarian Government had desired that the journey should be performed under the most comfortable conditions possible, and that I should receive on my departure all the marks of consideration due to His Majesty's representative. I was accompanied by my own family and the entire staff of the embassy, for whose untiring zeal and efficient help in trying times I desire to express my sincere thanks. The Swiss Government also showed courtesy in providing comfortable accommodation during our journey from the frontier to Berne, and, after three days' stay there, on to Geneva, at which place we found that every provision had been made by the French Government, at the request of Sir Francis Bertie, for our speedy conveyance to Paris. We reached England on Saturday morning, the 22nd August.

I have, &c.

MAURICE DE BUNSEN.

DOCUMENTS RESPECTING THE NEGOTIATIONS PRECEDING THE WAR,  
PUBLISHED BY THE RUSSIAN GOVERNMENT \*

No. 1.

*Russian Chargé d'Affaires at Belgrade to Russian Minister for Foreign  
Affairs*

(Telegram)

BELGRADE, *July 10 (23), 1914.*

The Austrian Minister, at 6 o'clock this evening, presented an ultimatum from his government to the Minister of Finance, Patchou, in the absence of Pashitch, requiring the acceptance of the demands contained therein within forty-eight hours. Giesl added verbally that, in the event of failure to accept the note integrally within forty-eight hours, he was under instructions to leave Belgrade with the staff of the legation. Pashitch and the other Ministers, who are away electioneering, have been recalled and are expected at Belgrade to-morrow, Friday, at 10 A. M. Patchou, who communicated to me the contents of the note, solicits the help of Russia and declares that no Servian Government could accept the demands of Austria.

(Signed) STRANDTMAN.

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No. 2.

*Russian Chargé d'Affaires at Belgrade to Russian Minister for Foreign  
Affairs*

(Telegram)

BELGRADE, *July 10 (23), 1914.*

Text of the note presented to the Servian Government by the Austro-Hungarian Minister to-day.

[Here follows the text of the note, for which see "Miscellaneous No. 6 (1914)" No. 4, (Printed in Supplement to this JOURNAL for October, 1914, pp. 254-259).]

(Signed) STRANDTMAN.

\* English translation reprinted from British "Command Paper," 7626, Miscellaneous No. 11 (1914). The French of these documents also appears therein in a parallel column.

## No. 3.

*Note verbale personally presented by the Austro-Hungarian Ambassador at St. Petersburg to the Russian Minister for Foreign Affairs, at 10 A. M. on July 11 (24), 1914.*

The Austro-Hungarian Government have found themselves obliged to present the following note to the Servian Government through the Austro-Hungarian Minister at Belgrade on Thursday, the 10th (23rd) instant.

[Here follows the text of the note.]

## No. 4.

*Russian Minister for Foreign Affairs to Russian Chargé d'Affaires at Vienna*

(Telegram)

ST. PETERSBURG, July 11 (24), 1914.

Please convey the following message to the Austro-Hungarian Minister for Foreign Affairs:

The communication made by the Austro-Hungarian Government to the Powers the day after the presentation of the ultimatum at Belgrade affords to the Powers a period which is quite insufficient to enable them to take any steps which might help to smooth away the difficulties that have arisen.

In order to prevent the consequences, incalculable and equally fatal to all the Powers, which may result from the course of action followed by the Austro-Hungarian Government, it seems to us to be above all essential that the period allowed for the Servian reply should be extended. Austria-Hungary, having declared herself to be disposed to inform the Powers of the facts elicited by the enquiry upon which the Imperial and Royal Government base their accusations, should equally allow them sufficient time to study those facts.

In this case, if the Powers were convinced that certain of the Austrian demands were well-founded, they would be in a position to offer corresponding advice to the Servian Government.

A refusal to prolong the term of the ultimatum would render nugatory the representations made by the Austro-Hungarian Government to the Powers, and would be in contradiction to the very bases of international comity.

Communicated to London, Rome, Paris, and Belgrade.

(Signed) SAZONOF.



## No. 5.

*Russian Minister for Foreign Affairs to Russian representatives at London, Berlin, Rome, and Paris*

(Telegram)

ST. PETERSBURG, July 11 (24), 1914.

With reference to my telegram of to-day to Kudachef we trust that the government to which you are accredited will share the Russian point of view and will at once instruct their representative at Vienna to hold similar language.

Communicated to Belgrade.

(Signed) SAZONOF.

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No. 6.

*Telegram from His Royal Highness the Prince Regent of Serbia to His Majesty the Emperor of Russia*

BELGRADE, July 11 (24), 1914.

The Austro-Hungarian Government yesterday evening presented to the Servian Government a note respecting the outrage at Serajevo. Serbia, aware of her international obligations, has declared, ever since the horrible crime was committed, that she condemned it, and she was ready to open an enquiry in Serbia if the complicity of certain of her subjects were proved at the trial instituted by the Austro-Hungarian authorities. The demands contained in the Austro-Hungarian note are, however, unnecessarily humiliating for Serbia, and incompatible with her dignity as an independent state. For instance, we are peremptorily called upon to insert a declaration by the Government in the *Official Journal*, and for an order from the sovereign to the army, in which we are to check the spirit of hostility towards Austria and to blame ourselves for criminal weakness as regards our treacherous intrigues. We are further required to admit Austro-Hungarian officials into Serbia to take part with our officials at the trial and to superintend the carrying out of the other conditions laid down in the note. We are required to accept these demands in their entirety within forty-eight hours, failing which the Austro-Hungarian Legation will leave Belgrade. We are prepared to accept those of the Austro-Hungarian conditions which are compatible with the position of an independent state,

as well as those to which your Majesty may advise us to agree, and all those persons whose complicity in the crime may be proved will be severely punished by us. Certain of the demands could not be carried out without changes in our legislation, which would need time. We have been allowed too short a time limit. We may be attacked at the expiration of the time limit by the Austro-Hungarian army which is concentrating upon our frontier. We are unable to defend ourselves and we beg your Majesty to come to our aid as soon as possible. The much appreciated good will which your Majesty has so often shown towards us inspires us with the firm belief that once again our appeal to your noble Slav heart will not pass unheeded.

At this critical moment I echo the feelings of the Servian people in praying your Majesty to be pleased to interest yourself in the fate of the Kingdom of Servia.

(Signed) ALEXANDER.

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No. 7.

*Russian Chargé d'Affaires at Berlin to Russian Minister for Foreign Affairs*

(Telegram)

BERLIN, July 11 (24), 1914.

All the morning papers, even those few which recognize the impossibility of Servia's accepting the prescribed conditions, warmly welcome the strong line adopted by Austria. The semi-official *Lokal Anzeiger* is particularly violent; it describes as fruitless any possible appeals that Servia may make to St. Petersburg, Paris, Athens, or Bucharest, and concludes by saying that the German people will breathe freely when they learn that the situation in the Balkan peninsula is to be cleared up at last.

(Signed) BRONEWSKY.

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No. 8.

*Russian Chargé d'Affaires at Paris to Russian Minister for Foreign Affairs*

(Telegram)

PARIS, July 11 (24), 1914.

A copy of the note officially presented at Belgrade has been communicated to the French Government by the Austrian Ambassador.

The German Ambassador later visited the Minister and read to him a communication containing the Austrian arguments, and indicating that in the event of a refusal on the part of Serbia, Austria would be obliged to resort to pressure, and, in case of need, to military measures. The communication ended with the observation that, in the opinion of Germany, this question ought to be settled between Austria and Serbia direct, and that it was to the interest of the Powers to localize the affair by leaving it to the interested parties. The acting head of the Political Department, who was present at the interview, asked the Ambassador whether the Austrian action should be considered as an ultimatum—in other words, whether, in the event of Serbia not submitting entirely to the Austrian demands, hostilities were inevitable. The Ambassador avoided a direct reply, alleging that he had no instructions.

(Signed) SEVASTOPOULO.

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No. 9.

*Russian Chargé d'Affaires at Belgrade to Russian Minister for Foreign Affairs*

(Telegram)

BELGRADE, July 11 (24), 1914.

Pashitch has returned to Belgrade. He intends to give an answer to Austria within the prescribed time limit—that is to say, to-morrow, Saturday, at 6 P. M.—showing the points which are acceptable or unacceptable. To-day an appeal will be addressed to the Powers to defend the independence of Serbia. Then, added Pashitch, if war is inevitable, we will make war.

(Signed) STRANDTMAN.

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No. 10.

*Announcement by the Russian Government*

ST. PETERSBURG, July 12 (25), 1914.

Recent events and the despatch of an ultimatum to Serbia by Austria-Hungary are causing the Russian Government the greatest anxiety. The government are closely following the course of the dispute between the two countries to which Russia cannot remain indifferent.

## No. 11.

*Russian Chargé d'Affaires at Vienna to Russian Minister for Foreign Affairs*

(Telegram)

VIENNA, July 12 (25), 1914.

Count Berchtold is at Ischl. In view of the impossibility of arriving there in time, I have telegraphed to him our proposal to extend the time limit of the ultimatum, and I have repeated this proposal verbally to Baron Macchio. The latter promised to communicate it in time to the Minister for Foreign Affairs but added that he had no hesitation in predicting a categorical refusal.

(Signed) KUDACHEF.

## No. 12.

*Russian Chargé d'Affaires at Vienna to Russian Minister for Foreign Affairs*

(Telegram)

VIENNA, July 12 (25), 1914.

In continuation of my telegram of to-day I have just heard from Macchio that the Austro-Hungarian Government refuse our proposal to extend the time limit of the note.

(Signed) KUDACHEF.

## No. 13.

*Russian Chargé d'Affaires at Belgrade to Russian Minister for Foreign Affairs*

[Delayed in transmission, received July 14 (27), 1914]

(Telegram)

BELGRADE, July 12 (25), 1914.

Following is the reply which the President of the Servian Cabinet to-day handed to the Austro-Hungarian Minister at Belgrade before the expiration of the time limit of the ultimatum.

[Here follows the text of the Servian reply, for which see "Miscel-

laneous No. 6 (1914)" No. 39 (printed in Supplement to this JOURNAL for October, 1914, pp. 283-287).]

(Signed) STRANDTMAN.

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No. 14.

*Russian Chargé d'Affaires at Berlin to Russian Minister for Foreign Affairs*

(Telegram)

BERLIN, July 12 (25), 1914.

I have received your telegram of the 11th (24th) July and have communicated its contents to the Minister for Foreign Affairs. He tells me that the British Government have likewise urged him to advise Vienna to extend the time limit of the ultimatum. He has informed Vienna telegraphically of this step, and he will do the same as regards Russia's action, but he fears that in the absence of Berchtold, who has left for Ischl, and in view of the lack of time, his telegrams may have no result. Moreover, he has doubts as to the wisdom of Austria yielding at the last moment, and he is inclined to think that such a step on her part might increase the assurance of Servia. I replied that a great Power such as Austria could give way without impairing her prestige, and I adduced every other similar argument, but failed, nevertheless, to obtain any more definite promise. Even when I gave him to understand that action must be taken at Vienna if the possibility of terrible consequences was to be avoided, the Minister for Foreign Affairs answered each time in the negative.

(Signed) BRONEWSKY.

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No. 15.

*Russian Chargé d'Affaires at Paris to Russian Minister for Foreign Affairs*

(Telegram)

PARIS, July 12 (25), 1914.

I have received your telegram of the 11th (24th) July respecting the extension of the time limit of the Austrian ultimatum, and I have made

the communication in accordance with your instructions. The French representative at Vienna has been furnished with similar instructions.

(Signed) SEVASTOPOLUO.

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No. 16.

*Russian Ambassador at London to Russian Minister for Foreign Affairs*

(Telegram)

LONDON, July 12 (25), 1914.

I have received your telegram of the 11th July. Grey has instructed the British Ambassador at Vienna to support our action for the extension of the time limit of the ultimatum. At the same time he explained to me that the Austrian Ambassador had come to see him, and had explained that the Austrian note should not be regarded as an ultimatum. It should be regarded as a step, which, in the event of no reply, or in the event of an unsatisfactory reply within the time fixed, would be followed by a rupture of diplomatic relations and the immediate departure of the Austro-Hungarian Minister from Belgrade; without, however, entailing the immediate opening of hostilities. Grey added that as a result of this explanation he had told the British Ambassador at Vienna that, should it be too late to raise the question of extending the time limit of the ultimatum, the question of preventing hostilities might perhaps serve as a basis for discussion.

(Signed) BENCKENDORFF.

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No. 17.

*Russian Minister for Foreign Affairs to Russian Ambassador at London*

(Telegram)

ST. PETERSBURG, July 12 (25) 1914.

In the event of any change for the worse in the situation which might lead to joint action by the great Powers, we count upon it that England will at once side definitely with Russia and France, in order to maintain the European balance of power, for which she has constantly inter-

vened in the past, and which would certainly be compromised in the event of the triumph of Austria.

(Signed) SAZONOF.

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No. 18.

*Note verbale handed to Russian Minister for Foreign Affairs by the German Ambassador at St. Petersburg, July 12 (25), 1914*

We learn from an authoritative source that the news spread by certain newspapers, to the effect that the action of the Austro-Hungarian Government at Belgrade was instigated by Germany, is absolutely false. The German Government had no knowledge of the text of the Austrian note before it was presented, and exercised no influence upon its contents. A threatening attitude is wrongly attributed to Germany.

Germany, as the ally of Austria, naturally supports the claims made by the Vienna Cabinet against Serbia, which she considers justified.

Above all Germany wishes, as she has already declared from the very beginning of the Austro-Servian dispute, that this conflict should be localized.

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No. 19.

*Russian Chargé d'Affaires at Paris to Russian Minister for Foreign Affairs.*

(Telegram)

PARIS, July 12 (25), 1914.

Please refer to my telegram of the 11th (24th) July.

A morning paper has to-day published, in a not altogether correct form, the declarations made yesterday by the German Ambassador, and has added comments in which it characterizes these utterances as being in the nature of threats. The German Ambassador, who is much upset by these disclosures, to-day visited the acting head of the Political Department, and explained to him that his words in no wise bore the threatening character attributed to them. He stated that Austria had presented her note to Serbia without any definite understanding with Berlin, but that Germany nevertheless approved of the Austrian point

of view, and that undoubtedly "the bolt once fired" (these were his own words), Germany could only be guided by her duties as an ally.

(Signed) SEVASTOPOLLO.

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No. 20.

*Russian Ambassador at London to Russian Minister for Foreign Affairs*

(Telegram)

LONDON, July 12 (25), 1914.

Grey has told me that the German Ambassador has declared to him that the German Government were not informed of the text of the Austrian note, but that they entirely supported Austria's action. The Ambassador at the same time asked if Great Britain could see her way to bring conciliatory pressure to bear at St. Petersburg. Grey replied that this was quite impossible. He added that, as long as complications existed between Austria and Servia alone, British interests were only indirectly affected; but he had to look ahead to the fact that Austrian mobilization would lead to Russian mobilization, and that from that moment a situation would exist in which the interests of all the Powers would be involved. In that event Great Britain reserved to herself full liberty of action.

(Signed) BENCKENDORFF.

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No. 21.

*Russian Chargé d'Affaires at Belgrade to Russian Minister for Foreign Affairs*

(Telegram)

BELGRADE, July 12 (25), 1914.

In spite of the extremely conciliatory nature of the Servian reply to the ultimatum, the Austrian Minister has just informed the Servian Government, in a note handed in at 6.30 P. M. this evening, that, not having received a satisfactory answer within the time limit fixed, he was leaving Belgrade with the entire staff of the legation. The Skupchina is convoked for the 14th (27th) July at Nish. The Servian Government and the diplomatic body are leaving this evening for that town.

(Signed) STRANDTMAN.



## No. 22.

*Russian Ambassador at London to the Russian Minister for Foreign Affairs*

(Telegram)

LONDON, July 12 (25), 1914.

Grey has told the German Ambassador that in his opinion Austrian mobilization must lead to Russian mobilization, that grave danger of a general war will thereupon arise, and that he sees only one means of reaching a peaceful settlement, namely, that, in view of the Austrian and Russian mobilizations, Germany, France, Italy, and Great Britain should abstain from immediate mobilization, and should at once offer their good offices. Grey told me that the first essential of this plan was the consent of Germany and her promise not to mobilize. He has therefore, as a first step, made an inquiry on this point at Berlin.

(Signed) BENCKENDORFF.

## No. 23.

*Russian Minister for Foreign Affairs to Russian Ambassador at Rome*

(Telegram)

ST. PETERSBURG, July 13 (26), 1914.

Italy might play a part of the first importance in favor of preserving peace, by bringing the necessary influence to bear upon Austria, and by adopting a definitely unfavorable attitude towards the dispute on the ground that it could not be localized. You should express your conviction that Russia cannot possibly avoid coming to the help of Servia.

(Signed) SAZONOV.

## No. 24.

*Acting Russian Consul at Prague to Russian Minister for Foreign Affairs*

(Telegram)

PRAGUE, July 13 (26), 1914.

Mobilization has been ordered.

(Signed) KAZANSKY.

No. 25.

*Russian Minister for Foreign Affairs to Russian Ambassador at Vienna*

(Telegram)

ST. PETERSBURG, July 13 (26), 1914.

I had a long and friendly conversation to-day with the Austro-Hungarian Ambassador. After discussing the ten demands addressed to Serbia, I drew his attention to the fact that, quite apart from the clumsy form in which they were presented, some of them were quite impracticable, even if the Servian Government agreed to accept them. Thus, for example, points 1 and 2 could not be carried out without recasting the Servian press law and associations law; and to that it might be difficult to obtain the consent of the Skupchina. As for enforcing points 4 and 5, this might lead to most dangerous consequences, and even to the risk of acts of terrorism directed against the Royal Family and against Pashitch, which clearly could not be the intention of Austria. With regard to the other points it seemed to me that, with certain changes of detail, it would not be difficult to find a basis of mutual agreement, if the accusations contained in them were confirmed by sufficient proof.

In the interest of the maintenance of peace, which, according to the statements of Szapary, is as much desired by Austria as by all the Powers, it was necessary to end the tension of the present moment as soon as possible. With this object in view it seemed to me most desirable that the Austro-Hungarian Ambassador should be authorized to enter into a private exchange of views in order to redraft certain articles of the Austrian note of the 10th (23rd) July in consultation with me. This method of procedure would perhaps enable us to find a formula which would prove acceptable to Serbia, while giving satisfaction to Austria in respect of the chief of her demands. Please convey the substance of this telegram to the Minister for Foreign Affairs in a judicious and friendly manner.

Communicated to Russian Ambassadors in Germany, France, Great Britain, and Italy.

(Signed) SAZONOF.

## No. 26.

*Russian Minister for Foreign Affairs to Russian Ambassador at Berlin*

(Telegram)

ST. PETERSBURG, July 13 (26), 1914.

Please communicate the contents of my telegram to Vienna of to-day to the German Minister for Foreign Affairs, and express to him the hope that he, on his part, will be able to advise Vienna to meet Russia's proposal in a friendly spirit.

(Signed) SAZONOF.

## No. 27.

*Russian Chargé d'Affaires at Paris to Russian Minister for Foreign Affairs*

(Telegram)

PARIS, July 13 (26), 1914.

The Director of the Political Department informs me that, upon his informing the Austro-Hungarian Ambassador of the contents of the Servian reply to the ultimatum, the Ambassador did not conceal his surprise that it had failed to satisfy Giesl. In the opinion of the Director of the Political Department, Servia's conciliatory attitude should produce the best impression in Europe.

(Signed) SEVASTOPOULO.

## No. 28.

*Russian Chargé d'Affaires at Paris to Russian Minister for Foreign Affairs*

(Telegram)

PARIS, July 13 (26), 1914.

The German Ambassador again visited the Acting Minister for Foreign Affairs to-day, and made to him the following declarations:—

Austria has declared to Russia that she does not desire territorial acquisitions, and that she harbors no designs against the integrity of Servia. Her sole object is to secure her own peace and quiet, and consequently it rests with Russia to prevent war. Germany is at one with France in her ardent desire to preserve peace, and she sincerely hopes that France will exercise a moderating influence at St. Petersburg.

The Minister pointed out that Germany on her part might well act

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on similar lines at Vienna, especially in view of the conciliatory spirit displayed by Servia. The Ambassador replied that such a course was not possible, owing to the decision not to intervene in the Austro-Servian dispute. The Minister then asked whether the four Powers—Great Britain, Germany, Italy, and France—could not make representations at St. Petersburg and Vienna, for that the matter amounted, in effect, to a dispute between Austria and Russia. The Ambassador alleged that he had no instructions. Finally, the Minister refused to agree to the German proposal.

(Signed) SEVASTOPOULO.

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No. 29.

*Russian Chargé d'Affaires at Paris to Russian Minister for Foreign Affairs*

(Telegram)

PARIS, July 13 (26), 1914.

The Director of the Political Department has expressed the personal opinion that the series of representations made by Germany at Paris aim at intimidating France and at securing her intervention at St. Petersburg.

(Signed) SEVASTOPOULO.

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No. 30.

*Russian Chargé d'Affaires at Berlin to Russian Minister for Foreign Affairs*

(Telegram)

BERLIN, July 13 (26), 1914.

On the news reaching Berlin that the Austrian army had mobilized against Servia, a large crowd, in which the papers report the presence of an Austrian element, gave vent to a series of noisy demonstrations in favor of Austria. Late in the evening the crowd several times collected before the Imperial Russian Embassy and some anti-Russian shouting occurred. Hardly any police were present and no precautions were taken.

(Signed) BRONEWSKY.

## No. 31.

*Russian Ambassador at London to Russian Minister for Foreign Affairs*

(Telegram)

LONDON, July 14 (27), 1914.

I have received your telegram of the 13th (26th) July. Please inform me by telegraph whether you consider that your direct discussions with the Vienna Cabinet harmonize with Grey's scheme for mediation by the four Governments. Having heard from the British Ambassador at St. Petersburg that you would be prepared to accept such a combination, Grey decided to turn it into an official proposal, which he communicated yesterday to Berlin, Paris, and Rome.

(Signed) BENCKENDORFF.

## No. 32.

*Russian Minister for Foreign Affairs to Russian Ambassadors at Paris and London*

(Telegram)

ST. PETERSBURG, July 14 (27), 1914.

The British Ambassador has enquired whether we think it desirable that Great Britain should take the initiative in summoning a conference in London of the representatives of Great Britain, France, Germany, and Italy to examine the possibility of finding a way out of the present situation.

I replied to the Ambassador that I had begun conversations with the Austro-Hungarian Ambassador under conditions which, I hoped, might be favorable. I had not, however, received as yet any reply to my proposal for the revision of the note by the two Cabinets.

If direct explanations with the Vienna Cabinet proved impossible, I was ready to fall in with the British proposal, or any other proposal of a kind likely to lead to a favorable settlement of the dispute.

(Signed) SAZONOF.

## No. 33.

*Russian Minister for Foreign Affairs to Russian Ambassadors at Paris,  
London, Berlin, Vienna, and Rome*

(Telegram)

ST. PETERSBURG, July 14 (27), 1914.

I have taken note of the reply returned by the Servian Government to Baron Giesl. It exceeds all our expectations in its moderation, and in its desire to afford the fullest satisfaction to Austria. We do not see what further demands could be made by Austria, unless the Vienna Cabinet is seeking for a pretext for war with Servia.

(Signed) SAZONOF.

## No. 34.

*Russian Chargé d'Affaires at Paris to Russian Minister for Foreign Affairs*

(Telegram)

PARIS, July 14 (27), 1914.

The German Ambassador discussed the situation again to-day at great length with the Director of the Political Department. The Ambassador laid great stress on the utter impossibility of any mediation or conference.

(Signed) SEVASTOPOULO.

## No. 35.

*Russian Ambassador at Paris to Russian Minister for Foreign Affairs*

(Telegram)

PARIS, July 14 (27), 1914.

I discussed the situation with the Acting Minister for Foreign Affairs, in the presence of Berthelot, directly after my return to Paris. They both confirmed the information respecting the action taken by the German Ambassador, which Sevastopoulo has already telegraphed to you. This morning Baron von Schoen confirmed his declaration of yesterday in writing, *i. e.*:

1. That Austria has declared to Russia that she seeks no territorial

acquisitions and that she harbors no designs against the integrity of Servia. Her sole object is to secure her own peace and quiet.

2. That consequently it rests with Russia to avoid war.

3. That Germany and France, entirely at one in their ardent desire to preserve peace, should exercise their moderating influence upon Russia.

Baron von Schoen laid special emphasis on the expression of solidarity of Germany and France. The Minister of Justice is convinced that these steps on the part of Germany are taken with the evident object of alienating Russia and France, of inducing the French Government to make representations at St. Petersburg, and of thus compromising our ally in our eyes; and finally, in the event of war, of throwing the responsibility not on Germany, who is ostensibly making every effort to maintain peace, but on Russia and France. (Signed) ISWOLSKY.

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No. 36.

*Russian Ambassador at Paris to Russian Minister for Foreign Affairs*

(Telegram)

PARIS, July 14 (27), 1914.

It is clear from your telegrams of the 13th (26th) July that you were not then aware of the reply of the Servian Government. The telegram from Belgrade informing me of it also took twenty hours to reach us. The telegram from the French Minister for Foreign Affairs, sent the day before yesterday at 11 o'clock in the morning, at the special urgent rate, which contained instructions to support our representations, only reached its destination at 6 o'clock. There is no doubt that this telegram was intentionally delayed by the Austrian telegraph office.

(Signed) ISWOLSKY.

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No. 37.

*Russian Ambassador at Paris to Russian Minister for Foreign Affairs*

(Telegram)

PARIS, July 14 (27), 1914.

On the instructions of his government, the Austrian Ambassador has informed the Acting Minister for Foreign Affairs that Servia's answer

has not been considered satisfactory in Vienna, and that to-morrow, Tuesday, Austria will proceed to take "energetic action" with the object of forcing Serbia to give the necessary guarantees. The Minister having asked what form such action would take, the Ambassador replied that he had no exact information on the subject, but it might mean either the crossing of the Servian frontier, or an ultimatum, or even a declaration of war. (Signed) ISWOLSKY.

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No. 38.

*Russian Chargé d'Affaires at Berlin to Russian Minister for Foreign Affairs*

(Telegram)

BERLIN, July 14 (27), 1914.

I begged the Minister for Foreign Affairs to support your proposal in Vienna that Szapary should be authorized to draw up, by means of a private exchange of views with you, a wording of the Austro-Hungarian demands which would be acceptable to both parties. Jagow answered that he was aware of this proposal and that he agreed with Pourtalès that, as Szapary had begun this conversation, he might as well go on with it. He will telegraph in this sense to the German Ambassador at Vienna. I begged him to press Vienna with greater insistence to adopt this conciliatory line; Jagow answered that he could not advise Austria to give way. (Signed) BRONEWSKY.

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No. 39.

*Russian Chargé d'Affaires at Berlin to Russian Minister for Foreign Affairs*

(Telegram)

BERLIN, July 14 (27), 1914.

Before my visit to the Minister for Foreign Affairs to-day his Excellency had received the French Ambassador, who endeavored to induce him to accept the British proposal for action in favor of peace, such action to be taken simultaneously at St. Petersburg and at Vienna by Great Britain, Germany, Italy, and France. Cambon suggested that



these Powers should give their advice to Vienna in the following terms: "To abstain from all action which might aggravate the existing situation." By adopting this vague formula, all mention of the necessity of refraining from invading Serbia might be avoided. Jagow refused point-blank to accept this suggestion in spite of the entreaties of the Ambassador, who emphasized, as a good feature of the suggestion, the mixed grouping of the Powers, thanks to which the opposition between the Alliance and the Entente—a matter of which Jagow himself had often complained—was avoided.

(Signed) BRONEWSKY.

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No. 40.

*Telegram from His Imperial Majesty the Emperor of Russia to His Royal Highness Prince Alexander of Serbia, July 14 (27), 1914*

When your Royal Highness applied to me at a time of especial stress, you were not mistaken in the sentiments which I entertain for you, or in my cordial sympathy with the Servian people.

The existing situation is engaging my most serious attention, and my government are using their utmost endeavor to smooth away the present difficulties. I have no doubt that your Highness and the Royal Servian Government wish to render that task easy by neglecting no step which might lead to a settlement, and thus both prevent the horrors of a new war and safeguard the dignity of Serbia.

So long as the slightest hope exists of avoiding bloodshed, all our efforts must be directed to that end; but if in spite of our earnest wish we are not successful, your Highness may rest assured that Russia will in no case disinterest herself in the fate of Serbia.

(Signed) NICHOLAS.

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No. 41.

*Russian Ambassador at Vienna to Russian Minister for Foreign Affairs*

(Telegram)

VIENNA, July 14 (27), 1914.

The Minister for Foreign Affairs is away. During a long conversation which I had with Macchio to-day I drew his attention, in a perfectly

friendly way, to the unfavorable impression produced in Russia by the presentation of demands by Austria to Serbia, which it was quite impossible for any independent state, however small, to accept. I added that this method of procedure might lead to the most undesirable complications, and that it had aroused profound surprise and general condemnation in Russia. We can only suppose that Austria, influenced by the assurances given by the German representative at Vienna, who has egged her on throughout this crisis, has counted on the probable localization of the dispute with Serbia, and on the possibility of inflicting with impunity a serious blow upon that country. The declaration by the Russian Government that Russia could not possibly remain indifferent in the face of such conduct has caused a great sensation here.

(Signed) SCHEBEKO.

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No. 42.

*Russian Ambassador at London to Russian Minister for Foreign Affairs*

(Telegram)

LONDON, July 14 (27), 1914.

Grey has just informed the German Ambassador, who came to question him as to the possibility of taking action at St. Petersburg, that such action ought rather to be taken at Vienna, and that the Berlin Cabinet were the best qualified to do so. Grey also pointed out that the Servian reply to the Austrian note had exceeded anything that could have been expected in moderation and in its spirit of conciliation. Grey added that he had therefore come to the conclusion that Russia must have advised Belgrade to return a moderate reply, and that he thought the Servian reply could form the basis of a peaceful and acceptable solution of the question.

In these circumstances, continued Grey, if Austria were to begin hostilities in spite of that reply, she would prove her intention of crushing Serbia. Looked at in this light, the question might give rise to a situation which might lead to a war in which all the Powers would be involved.

Grey finally declared that the British Government were sincerely anxious to act with the German Government as long as the preservation of peace was in question; but, in the contrary event, Great Britain reserved to herself full liberty of action.

(Signed) BENCKENDORFF.

No. 43.

*Russian Minister for Foreign Affairs to Russian Ambassador at London*

(Telegram)

ST. PETERSBURG, July 15 (28), 1914.

My interviews with the German Ambassador confirm my impression that Germany is, if anything, in favor of the uncompromising attitude adopted by Austria.

The Berlin Cabinet, who could have prevented the whole of this crisis developing, appear to be exerting no influence on their ally.

The Ambassador considers that the Servian reply is insufficient.

This attitude on the part of the German Government is most alarming.

It seems to me that Great Britain is in a better position than any other Power to make another attempt at Berlin to induce the German Government to take the necessary action. There is no doubt that the key of the situation is to be found at Berlin.

(Signed) SAZONOF.

No. 44.

*Russian Consul General at Fiume to Russian Minister for Foreign Affairs*

(Telegram)

FIUME, July 15 (28), 1914.

State of siege has been proclaimed in Slavonia, in Croatia, and at Fiume, and the reservists of all classes have also been called up.

(Signed) SALVIATI.

No. 45.

*Russian Ambassador at Vienna to Russian Minister for Foreign Affairs*

(Telegram)

VIENNA, July 15 (28), 1914.

I spoke to Count Berchtold to-day in the sense of your Excellency's instructions. I pointed out to him in the most friendly manner, how desirable it was to find a solution which, while consolidating good relations between Austria-Hungary and Russia, would give to the Austro-

Hungarian Monarchy genuine guarantees for its future relations with Servia.

I drew Count Berchtold's attention to all the dangers to the peace of Europe which an armed conflict between Austria-Hungary and Servia would involve.

Count Berchtold replied that he was well aware of the gravity of the situation and of the advantages of a frank explanation with the St. Petersburg Cabinet. He told me that, on the other hand, the Austro-Hungarian Government, who had only decided, much against their will, on the energetic measures which they had taken against Servia, could no longer recede, nor enter into any discussion of the terms of the Austro-Hungarian note.

Count Berchtold added that the crisis had become so acute, and that public opinion had been incited to such a pitch, that the government, even if they wished it, could no longer consent to such a course. This was all the more impossible, he said, inasmuch as the Servian reply itself furnished proof of the insincerity of Servia's promises for the future.

(Signed) SCHEBEKO.

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No. 46.

*Russian Chargé d'Affaires at Berlin to Russian Minister for Foreign Affairs*

(Telegram)

BERLIN, July 15 (28), 1914.

The Wolff Bureau has not published the text of the Servian reply, although it was communicated to them. Up to the present this note has not appeared *in extenso* in any of the local papers, which, to all appearances, do not wish to publish it in their columns, being well aware of the calming effect which it would have on German readers.

(Signed) BRONEWSKY.

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No. 47.

*Russian Ambassador at Vienna to Russian Minister for Foreign Affairs*

(Telegram)

VIENNA, July 15 (28), 1914.

The order for general mobilization has been signed.

(Signed) SCHEBEKO.

## No. 48.

*Russian Minister for Foreign Affairs to Russian Ambassador at London*

(Telegram)

ST. PETERSBURG, *July 15 (28), 1914.*

In face of the hostilities between Austria-Hungary and Servia, it is necessary that Great Britain should take instant mediatory action, and that the military measures undertaken by Austria against Servia should be immediately suspended. Otherwise mediation will only serve as an excuse to make the question drag on, and will meanwhile make it possible for Austria to crush Servia completely and to acquire a dominant position in the Balkans.

Sent to Paris, Berlin, Vienna, and Rome.

(Signed) SAZONOF.

## No. 49.

*Russian Minister for Foreign Affairs to Russian Chargé d'Affaires at Berlin*

(Telegram)

ST. PETERSBURG, *July 16 (29), 1914.*

The German Ambassador informs me, in the name of the Chancellor, that Germany has not ceased to exercise a moderating influence at Vienna, and that she will continue to do so even after the declaration of war. Up to this morning there had been no news that the Austrian army had crossed the Servian frontier. I begged the Ambassador to express my thanks to the Chancellor for the friendly tenor of this communication. I informed him of the military measures taken by Russia, none of which, I told him, were directed against Germany; I added that neither should they be taken as aggressive measures against Austria-Hungary, their explanation being the mobilization of the greater part of the Austro-Hungarian army.

The Ambassador said that he was in favor of direct explanations between the Austrian Government and Russia, and I replied that I, too, was quite willing, provided that the advice of the German Government, to which he had referred, found an echo at Vienna.

I pointed out at the same time that we were quite ready to accept the proposal for a conference of the four Powers, a proposal with which, apparently, Germany was not in entire sympathy.

I told him that, in my opinion, the best manner of turning to account all methods suitable for finding a peaceful solution would be to arrange for parallel discussions to be carried on as to a conference of the four Powers—Germany, France, Great Britain, and Italy—and by a direct exchange of views between Austria-Hungary and Russia on much the same lines as occurred during the most critical moments of last year's crisis.

I told the Ambassador that, after the concessions which had been made by Servia, it should not be very difficult to find a compromise to settle the other questions which remained outstanding, provided that Austria showed some goodwill and that all the Powers used their entire influence in the direction of conciliation.

Communicated to Russian Ambassadors in England, France, Austria-Hungary, and Italy.

(Signed) SAZONOF.

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No. 50.

*Russian Minister for Foreign Affairs to Russian Ambassadors at London and Paris*

(Telegram)

ST. PETERSBURG, July 16 (29), 1914.

At the time of my interview with the German Ambassador, recorded in my preceding telegram, I had not yet received M. Schebeko's telegram of the 15th (28th) July.

The contents of this telegram amount to a refusal on the part of the Vienna Cabinet to agree to a direct exchange of views with the Russian Government.

Hence nothing remains for us to do but to rely entirely on the British Government to take the initiative in any steps which they may consider advisable.

Communicated to Vienna, Rome, and Berlin.

(Signed) SAZONOF.

## No. 51.

*Russian Chargé d'Affaires at Berlin to Russian Minister for Foreign Affairs*

(Telegram)

BERLIN, July 16 (29), 1914.

On my enquiry whether he had received from Vienna a reply respecting your proposal for private discussions at St. Petersburg, the Secretary of State answered in the negative.

He declares that it is very difficult for him to produce any effect at Vienna, especially openly. He even added, in speaking to Cambon, that were pressure brought to bear too obviously, Austria would hasten to face Germany with a *fait accompli*.

The Secretary of State tells me that he received a telegram to-day from Pourtalès, stating that you seemed more inclined than you previously were to find a compromise acceptable to all parties. I replied that presumably you had been in favor of a compromise from the outset, provided always that it were acceptable, not only to Austria, but equally to Russia. He then said that it appeared that Russia had begun to mobilize on the Austrian frontier, and that he feared that this would make it more difficult for Austria to come to an understanding with us, all the more so as Austria was mobilizing against Serbia alone, and was making no preparations upon our frontier. I replied that, according to the information in my possession, Austria was mobilizing upon the Russian frontier also, and that consequently we had to take similar steps. I added that whatever measures we might, perhaps, have taken on our side were in no wise directed against Germany.

(Signed) BRONEWSKY.

## No. 52.

*Russian Chargé d'Affaires in Serbia to Russian Minister for Foreign Affairs*

(Telegram)

NISH, July 16 (29), 1914.

The Bulgarian Minister to-day declared to Pashitch, in the name of his government, that Bulgaria would remain neutral.

(Signed) STRANDTMAN.

## No. 53.

*Russian Ambassador at Paris to Russian Minister for Foreign Affairs*

(Telegram)

PARIS, July 16 (29), 1914.

For the information of the President of the French Republic on his return, the French Minister for Foreign Affairs had prepared a short summary of the present political situation, approximately in the following terms: Austria, fearing internal disintegration, seized upon the assassination of the Archduke as an excuse for an attempt to obtain guarantees, which may assume the form of an occupation of Servian military lines or even Servian territory. Germany is supporting Austria. The preservation of peace depends upon Russia alone, for the question at issue must be "localized" between Austria and Servia; that question is the punishment of Servia for her previous policy and the obtaining of guarantees for the future. Germany concludes from this that a moderating influence should be exerted at St. Petersburg. This sophism has been refuted both in Paris and in London. In Paris, Baron von Schoen vainly endeavored to induce France to adopt joint action with Germany towards Russia for the preservation of peace. The same attempts were made in London. In both capitals the answer was given that any action taken should be at Vienna, as it was Austria's inordinate demands, her refusal to discuss Servia's few reservations, and her declaration of war, that threatened to provoke a general war. France and England are unable to bring any moderating pressure to bear upon Russia, as, so far, that Power has shown the greatest moderation, more particularly in her advice to Servia to accept as much as was possible of the Austrian note. Apparently Germany has now given up the idea of pressure upon Russia only, and inclines towards mediatory action both at St. Petersburg and at Vienna, but at the same time both Germany and Austria are endeavoring to cause the question to drag on. Germany is opposing the conference without suggesting any other practical course of action. Austria is continuing discussions at St. Petersburg, which are manifestly of a procrastinating nature. At the same time she is taking active steps, and if these steps are tolerated, her claims will increase proportionately. It is highly desirable that Russia should lend all her support to the proposal for mediation which will be made by Sir E. Grey. In the contrary event, Austria, on the plea of "guaran-



tees," will be able, in effect, to alter the territorial status of eastern Europe.

(Signed) ISWOLSKY.

No. 54.

*Russian Ambassador at London to Russian Minister for Foreign Affairs*

(Telegram)

LONDON, July 16 (29), 1914.

I have communicated the contents of your telegrams of the 15th (28th) July to Grey. He informed the German Ambassador to-day that the direct discussions between Russia and Austria had been fruitless, and that press correspondents were reporting from St. Petersburg that Russia was mobilizing against Austria in consequence of the latter's mobilization. Grey said that, in principle, the German Government had declared themselves in favor of mediation, but that he was experiencing difficulties with regard to the form it should take. Grey has urged that the German Government should indicate the form which, in their opinion, would enable the four Powers to have recourse to mediation to prevent war; France, Italy, and Great Britain having consented, mediation could only come into play if Germany consented to range herself on the side of peace.

(Signed) BENCKENDORFF.

No. 55.

*Russian Ambassador at Paris to Russian Minister for Foreign Affairs*

(Telegram)

PARIS, July 16 (29), 1914.

Viviani has just confirmed to me the French Government's firm determination to act in concert with Russia. This determination is upheld by all classes of society and by the political parties, including the Radical Socialists who have just addressed a resolution to the government expressing the absolute confidence and the patriotic sentiments of their party. Since his return to Paris, Viviani has telegraphed an urgent

message to London that, direct discussions between St. Petersburg and Vienna having ended, the London Cabinet should again put forward their proposal for mediation by the Powers as soon as possible under one form or another. Before seeing me to-day Viviani saw the German Ambassador, and the latter again assured him of the peaceful intentions of Germany. Viviani having pointed out that if Germany wished for peace she should hasten to give her support to the British proposal for mediation, Baron von Schoen replied that the words "conference" or "arbitration" alarmed Austria. Viviani retorted that it was not a question of words, and that it would be easy to find some other form for mediation. In the opinion of Baron von Schoen, it was necessary for the success of the negotiations between the Powers to know what Austria intended to demand from Servia. Viviani answered that the Berlin Cabinet could quite easily make this enquiry of Austria, but that, meanwhile, the Servian reply might well form the basis of discussion; he added that France sincerely desired peace, but that she was determined at the same time to act in complete harmony with her allies and friends, and that he, Baron von Schoen, might have convinced himself that this determination met with the warmest approval of the country.

(Signed) ISWOLSKY.

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No. 56.

*Telegram from His Royal Highness Prince Alexander of Servia to His Majesty the Emperor of Russia*

Deeply touched by the telegram which your Majesty was pleased to address to me yesterday, I hasten to thank you with all my heart. Your Majesty may rest assured that the cordial sympathy which your Majesty feels towards my country is especially valued by us, and fills our hearts with the belief that the future of Servia is secure now that it is the object of your Majesty's gracious solicitude. These painful moments cannot but strengthen the bonds of deep attachment which bind Servia to Holy Slav Russia, and the sentiments of everlasting gratitude which we feel for the help and protection afforded to us by your Majesty will ever be cherished in the hearts of all the Serbs.

(Signed) ALEXANDER.

No. 57.

*Russian Chargé d'Affaires in Serbia to Russian Minister for Foreign Affairs*

(Telegram)

NISH, July 16 (29), 1914.

I have communicated to Pashitch the text of the telegraphic reply returned by His Majesty the Emperor to Prince Alexander. On reading it, Pashitch crossed himself and exclaimed: "The Czar is great and merciful!" He then embraced me and was overcome with emotion. The heir-apparent is expected at Nish late to-night.

(Signed) STRANDTMAN.

No. 58.

*Russian Minister for Foreign Affairs to Russian Ambassador at Paris*

(Telegram)

ST. PETERSBURG, July 16 (29), 1914.

The German Ambassador to-day informed me of the decision of his government to mobilize, if Russia did not stop her military preparations. Now, in point of fact, we only began these preparations in consequence of the mobilization already undertaken by Austria, and owing to her evident unwillingness to accept any means of arriving at a peaceful settlement of her dispute with Serbia.

As we cannot comply with the wishes of Germany, we have no alternative but to hasten on our own military preparations and to assume that war is probably inevitable. Please inform the French Government of this, and add that we are sincerely grateful to them for the declaration which the French Ambassador made to me on their behalf, to the effect that we could count fully upon the assistance of our ally, France. In the existing circumstances, that declaration is especially valuable to us.

Communicated to the Russian Ambassadors in Great Britain, Austria-Hungary, Italy, and Germany.

(Signed) SAZONOV.

## No. 59.

*Russian Chargé d'Affaires in Servia to Russian Minister for Foreign Affairs*

(Telegram)

NISH, July 17 (30), 1914.

The Prince Regent yesterday published a manifesto, signed by all the Servian Ministers on the declaration of war by Austria against Servia. The manifesto ends with the following words: "Defend your homes and Servia with all your might." At the solemn opening of the Skupchtina the Regent read the speech from the throne, in his own name. At the beginning of his speech he pointed out that the place of their convocation showed the importance of present events. He followed this with a summary of recent events—the Austrian ultimatum, the Servian reply, the efforts of the Servian Government to do their utmost to avoid war that was compatible with the dignity of the state, and, finally, the armed aggression of their most powerful neighbor against Servia, at whose side stood Montenegro. Passing in review the attitude of the Powers towards the dispute, the Prince emphasized in the first place the sentiments which animated Russia, and the gracious communication from His Majesty the Emperor that Russia would in no case abandon Servia. At each mention of His Majesty the Czar and of Russia the hall resounded with loud bursts of wild cheering. The sympathy shown by France and England was also touched upon in turn, and called forth approving plaudits from the members. The speech from the throne ended by declaring the Skupchtina open, and by expressing the hope that everything possible would be done to lighten the task before the government.

(Signed) STRANDTMAN.

## No. 60.

*Russian Minister for Foreign Affairs to Russian Ambassadors at Berlin, Vienna, Paris, London, and Rome*

(Telegram)

ST. PETERSBURG, July 17 (30), 1914.

The German Ambassador, who has just left me, has asked whether Russia would not be satisfied with the promise which Austria might

give—that she would not violate the integrity of the Kingdom of Servia—and whether we could not indicate upon what conditions we would agree to suspend our military preparations. I dictated to him the following declaration to be forwarded to Berlin for immediate action: “If Austria, recognizing that the Austro-Servian question has become a question of European interest, declares herself ready to eliminate from her ultimatum such points as violate the sovereign rights of Servia, Russia undertakes to stop her military preparations.”

Please inform me at once by telegraph what attitude the German Government will adopt in face of this fresh proof of our desire to do the utmost possible for a peaceful settlement of the question, for we cannot allow such discussions to continue solely in order that Germany and Austria may gain time for their military preparations.

(Signed) SAZONOF.

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No. 61.

*Russian Ambassador at Berlin to Russian Minister for Foreign Affairs*

(Telegram)

BERLIN, July 17 (30), 1914.

I learn that the order for the mobilization of the German army and navy has just been issued.

(Signed) SWERBEEW.

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No. 62.

*Russian Ambassador at Berlin to Russian Minister for Foreign Affairs*

(Telegram)

BERLIN, July 17 (30), 1914.

The Minister for Foreign Affairs has just telephoned that the news of the mobilization of the German army and fleet, which has just been announced, is false; that the news sheets had been printed in advance so as to be ready for all eventualities, and that they were put on sale in the afternoon, but that they have now been confiscated.

(Signed) SWERBEEW.

## No. 63.

*Russian Ambassador at Berlin to Russian Minister for Foreign Affairs*

(Telegram)

BERLIN, July 17 (30), 1914.

I have received your telegram of 16th (29th) July, and have communicated the text of your proposal to the Minister for Foreign Affairs, whom I have just seen. He told me that he had received an identic telegram from the German Ambassador at St. Petersburg, and he then declared that he considered it impossible for Austria to accept our proposal.

(Signed) SWERBEEW.

## No. 64.

*Russian Ambassador at London to Russian Minister for Foreign Affairs*

(Telegram)

LONDON, July 17 (30), 1914.

I have communicated the substance of your telegrams of the 16th (29th) and 17th (30th) July to Grey, who looks upon the situation as most serious, but wishes to continue the discussions. I pointed out to Grey that—since you agreed with him to accept whatever proposal he might make in order to preserve peace, provided that Austria did not profit by any ensuing delays to crush Servia—the situation in which you were placed had apparently been modified. At that time our relations with Germany had not been compromised. After the declaration made by the German Ambassador at St. Petersburg regarding German mobilization, those relations had changed, and you had returned the only reply to his request that was possible from a great Power. When the German Ambassador again visited you, and enquired what your conditions were, you had formulated them in altogether special circumstances. I also again emphasized to Grey the necessity of taking into consideration the new situation brought about by the fault of Germany in consequence of the German Ambassador's action. Grey replied that he fully understood this, and that he would remember these arguments.

(Signed) BENCKENDORFF.

No. 65.

*Russian Ambassador at London to Russian Minister for Foreign Affairs*

(Telegram)

LONDON, July 17 (30), 1914.

The German Ambassador has asked Grey why Great Britain was taking military measures both on land and sea. Grey replied that these measures had no aggressive character, but that the situation was such that each Power must be ready.

No. 66.

*Russian Ambassador at Vienna to Russian Minister for Foreign Affairs*

(Telegram)

VIENNA, July 18 (31), 1914.

In spite of the general mobilization, my exchange of views with Count Berchtold and his colleagues continues. They all dwell upon the absence on Austria's part of any hostile intentions whatsoever against Russia, and of any designs of conquest at the expense of Serbia, but they are all equally insistent that Austria is bound to carry through the action which she has begun and to give Serbia a serious lesson, which would constitute a sure guarantee for the future.

(Signed) SCHEBEKO.

No. 67.

*Russian Minister for Foreign Affairs to Russian Ambassadors at Berlin, Vienna, Paris, London, and Rome*

(Telegram)

ST. PETERSBURG, July 18 (31), 1914.

Please refer to my telegram of 17 (30) July. The British Ambassador, on the instructions of his government, has informed me of the wish of the London Cabinet to make certain modifications in the formula which I suggested yesterday to the German Ambassador. I replied that I ac-

cepted the British suggestion. I accordingly send you the text of the modified formula which is as follows:—

If Austria will agree to check the advance of her troops on Servian territory; if, recognizing that the dispute between Austria and Servia has become a question of European interest, she will allow the great Powers to look into the matter and decide what satisfaction Servia could afford to the Austro-Hungarian Government without impairing her rights as a sovereign state or her independence, Russia will undertake to maintain her waiting attitude.

(Signed) SAZONOF.

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No. 68.

*Russian Ambassador at Berlin to Russian Minister for Foreign Affairs*

(Telegram)

BERLIN, July 18 (31), 1914.

The Minister for Foreign Affairs has just told me that our discussions, which were already difficult enough on account of the mobilization against Austria, were becoming even more so in view of the serious military measures that we were taking against Germany. He said that information on this subject was reaching Berlin from all sides, and this must inevitably provoke similar measures on the part of Germany. To this I replied that, according to sure information in my possession, which was confirmed by all our compatriots arriving from Berlin, Germany also was very actively engaged in taking military measures against Russia. In spite of this, the Minister for Foreign Affairs asserts that the only step taken in Germany has been the recall of officers from leave and of the troops from manœuvres.

(Signed) SWERBEEW.

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No. 69.

*Russian Minister for Foreign Affairs to Russian Ambassador at London*

(Telegram)

ST. PETERSBURG, July 18 (31), 1914.

I have requested the British Ambassador to express to Grey my deep gratitude for the firm and friendly tone which he has adopted in the dis-



cussions with Germany and Austria, thanks to which the hope of finding a peaceful issue to the present situation need not yet be abandoned.

I also requested him to inform the British Minister that in my opinion it was only in London that the discussions might still have some faint chance of success and of rendering the necessary compromise easier for Austria.

Communicated to Russian Ambassador in France.

(Signed) SAZONOF.

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No. 70.

*Secret Telegram to Russian representatives abroad*

(Telegram)

*July 19 (August 1), 1914.*

At midnight the German Ambassador announced to me, on the instruction of his Government, that if within 12 hours, that is by midnight on Saturday, we had not begun to demobilize, not only against Germany, but also against Austria, the German Government would be compelled to give the order for mobilization. To my enquiry whether this meant war, the Ambassador replied in the negative, but added that we were very near it.

(Signed) SAZONOF.

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No. 71.

*Russian Ambassador at London to Russian Minister for Foreign Affairs*

(Telegram)

*LONDON, July 19 (August 1), 1914.*

Grey tells me that he has telegraphed to Berlin that in his opinion the last formula accepted by the Russian Government offers the best prospect as a basis of negotiations for a peaceful settlement of the dispute. At the same time he expressed the hope that no great Power would open hostilities before this formula had been considered.

(Signed) BENCKENDORFF.

## No. 72.

*Russian Ambassador at London to Russian Minister for Foreign Affairs*  
(Telegram)

LONDON, *July 19 (August 1), 1914.*

The British Government has enquired of the French and German Governments whether they will respect the neutrality of Belgium.

France answered in the affirmative, but the German Government stated that they could not give any definite answer to the question.

(Signed) BENCKENDORFF.

## No. 73.

*Russian Ambassador at Paris to Russian Minister for Foreign Affairs*  
(Telegram)

PARIS, *July 19 (August 1), 1914.*

The Austrian Ambassador yesterday visited Viviani and declared to him that Austria, far from harboring any designs against the integrity of Serbia, was in fact ready to discuss the grounds of her grievances against Serbia with the other Powers. The French Government are much exercised at Germany's extraordinary military activity on the French frontier, for they are convinced that, under the guise of "Kriegszustand," mobilization is in reality being carried out.

(Signed) ISWOLSKY.

## No. 74.

*Russian Ambassador at Paris to Russian Minister for Foreign Affairs*  
(Telegram)

PARIS, *July 19 (August 1), 1914.*

On the receipt in Paris of the telegram from the French Ambassador at St. Petersburg, reporting the communication made to you by the German Ambassador respecting Germany's decision to order general mobilization to-day, the President of the French Republic signed the order for mobilization. Lists of the reservists recalled to the colors are being posted up in the streets. The German Ambassador has just

visited Viviani, but told him nothing fresh, alleging the impossibility of deciphering the telegrams he has received. Viviani informed him of the signature of the order for mobilization issued in reply to that of Germany, and expressed to him his amazement that Germany should have taken such a step at a moment when a friendly exchange of views was still in progress between Russia, Austria, and the Powers. He added that mobilization did not necessarily entail war, and that the German Ambassador might stay in Paris as the Russian Ambassador had remained in Vienna and the Austrian Ambassador in St. Petersburg.

(Signed) ISWOLSKY.

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## No. 75.

*Russian Ambassador at Paris to Russian Minister for Foreign Affairs*

(Telegram)

PARIS, July 19 (August 1), 1914.

I hear from the President that during the last few days the Austrian Ambassador emphatically assured both the President of the Council of Ministers and him that Austria had declared to Russia that she was ready to respect both the territorial integrity of Servia and also her sovereign rights, but that Russia had intentionally received this declaration in silence. I contradicted this flatly.

(Signed) ISWOLSKY.

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## No. 76.

*Note presented by the German Ambassador at St. Petersburg on July 19 (August 1), at 7:10 P. M.*

The Imperial German Government have used every effort since the beginning of the crisis to bring about a peaceful settlement. In compliance with a wish expressed to him by His Majesty the Emperor of Russia, the German Emperor had undertaken, in concert with Great Britain, the part of mediator between the Cabinets of Vienna and St. Petersburg; but Russia, without waiting for any result, proceeded to a general mobilization of her forces both on land and sea. In consequence of this threatening step, which was not justified by any military proceedings on the part of Germany, the German Empire was faced by a

grave and imminent danger. If the German Government had failed to guard against this peril, they would have compromised the safety and the very existence of Germany. The German Government were, therefore, obliged to make representations to the Government of His Majesty the Emperor of All the Russias and to insist upon a cessation of the aforesaid military acts. Russia having refused to comply with (not having considered it necessary to answer \*) this demand, and having shown by this refusal (this attitude \*) that her action was directed against Germany, I have the honor, on the instructions of my government, to inform your Excellency as follows:

His Majesty the Emperor, my august sovereign, in the name of the German Empire, accepts the challenge, and considers himself at war with Russia.

(Signed) F. POURTALES.

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No. 77.

*Announcement by the Russian Minister for Foreign Affairs respecting recent events*

*July 20 (August 2), 1914.*

A garbled version of the events of the last few days having appeared in the foreign press, the Russian Minister for Foreign Affairs considers it his duty to publish the following brief account of the diplomatic discussions during the period under review:

On the 10th (23rd) July, 1914, the Austro-Hungarian Minister at Belgrade presented a note to the Prime Minister of Servia, in which the Servian Government were accused of having fostered the pan-Serb movement, which had led to the assassination of the heir to the Austro-Hungarian throne. Austria-Hungary, therefore, demanded of the Servian Government, not only the condemnation in the most formal manner of the above-mentioned propaganda, but also the adoption, under Austrian supervision, of a series of measures for the discovery of the plot, for the punishment of any Servian subjects who had taken part in it, and for the prevention of any future attempts at assassination upon Austrian soil. A time limit of forty-eight hours was given to the Servian Government within which to reply to this note.

\* The words in brackets occur in the original. It must be supposed that two variations had been prepared in advance, and that, by mistake, they were both inserted in the note.

The Russian Government, to whom the Austro-Hungarian Ambassador at St. Petersburg had communicated the text of the note seventeen hours after its presentation at Belgrade, having taken note of the demands contained therein, could not but perceive that some of these demands were impossible of execution as regards their substance, whilst others were presented in a form which was incompatible with the dignity of an independent state. Russia considered that the humiliation of Serbia, involved in these demands, and equally the evident intention of Austria-Hungary to secure her own hegemony in the Balkans, which underlay her conditions, were inadmissible. The Russian Government, therefore, pointed out to Austria-Hungary in the most friendly manner that it would be desirable to re-examine the points contained in the Austro-Hungarian note. The Austro-Hungarian Government did not see their way to agree to a discussion of the note. The moderating influence of the four Powers at Vienna was equally unsuccessful.

Despite the fact that Serbia had reprobated the crime, and had shown herself ready to give Austria satisfaction to an extent beyond the expectations, not only of Russia, but also of the other Powers—despite these facts, the Austro-Hungarian Minister at Belgrade considered the Servian reply insufficient and left the town.

Recognizing the exaggerated nature of the demands made by Austria, Russia had previously declared that she could not remain indifferent, while not desisting from doing her utmost to find a peaceful issue which might prove acceptable to Austria, and spare the latter's self-respect as a great Power. At the same time Russia let it be clearly understood that she could accept a peaceful settlement of the question only so far as it involved no humiliation of Serbia as an independent state. Unhappily all the efforts of the Russian Government to this end were fruitless. The Austro-Hungarian Government, which had shunned any attempt at conciliatory intervention by the Powers in the Austrian dispute with Serbia, proceeded to mobilize and declared war officially against Serbia, and the following day Belgrade was bombarded. The manifesto which accompanied the declaration of war openly accuses Serbia of having prepared and carried out the crime of Serajevo. Such an accusation of a crime at common law, launched against a whole people and a whole state, aroused, by its evident inanity, widespread sympathy for Serbia throughout all classes of European society.

In consequence of this behavior of the Austro-Hungarian Government, in spite of Russia's declaration that she could not remain indif-

ferent to the fate of Servia, the Russian Government considered it necessary to order mobilization in the military districts of Kieff, Odessa, Moscow, and Kazan. This decision was rendered necessary by the fact that since the date when the Austro-Hungarian note was communicated to the Servian Government, and since the first steps taken by Russia, five days had elapsed, and yet the Vienna Cabinet had not taken one step to meet Russia halfway in her efforts towards peace. Indeed, quite the contrary; for the mobilization of half of the Austro-Hungarian army had been ordered.

The German Government were kept informed of the steps taken by Russia. At the same time it was explained to them that these steps were only the result of the Austrian preparations, and that they were not in any way aimed at Germany. Simultaneously, the Russian Government declared that Russia was ready to continue discussions with a view to a peaceful settlement of the dispute, either in the form of direct negotiations with Vienna or, as suggested by Great Britain, in the form of a conference of the four great Powers not directly interested, that is to say, Great Britain, France, Germany, and Italy.

This attempt on the part of Russia was, however, equally unsuccessful. Austria-Hungary declined a further exchange of views with Russia, and the Vienna Cabinet was unwilling to join the proposed conference of the Powers.

Nevertheless Russia did not abandon her efforts for peace. When questioned by the German Ambassador as to the conditions on which we would still agree to suspend our preparations, the Minister for Foreign Affairs declared that these conditions were Austria's recognition that the Austro-Serbian question had assumed a European character, and a declaration by her that she agreed not to insist upon such of her demands as were incompatible with the sovereign rights of Servia.

Germany considered this Russian proposal unacceptable to Austria-Hungary. At that very moment news of the proclamation of general mobilization by Austria-Hungary reached St. Petersburg.

All this time hostilities were continuing on Servian territory, and Belgrade was bombarded afresh.

The failure of our proposals for peace compelled us to extend the scope of our precautionary military measures.

The Berlin Cabinet questioned us on this, and we replied that Russia was compelled to begin preparations so as to be ready for every emergency.

But while taking this precautionary step, Russia did not on that account abandon her strenuous efforts to find some solution of the situation, and she announced that she was ready to accept any proposed settlement of the problem that might be put forward, provided it complied with the conditions laid down by her.

In spite of this conciliatory communication, the German Government on the 18th (31st) July demanded of the Russian Government that they should suspend their military measures by midday on the 19th July (1st August), and threatened, should they fail to comply, to proceed to general mobilization.

On the following day, the 19th July (1st August), the German Ambassador, on behalf of his government, forwarded a declaration of war to the Minister for Foreign Affairs.

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No. 78.

*Russian Minister for Foreign Affairs to Russian representatives abroad*

(Telegram)

ST. PETERSBURG, July 20 (August 2), 1914.

It is quite evident that Germany is now doing her utmost to foist upon us the responsibility for the rupture. We were forced to mobilize by the immense responsibility which would have fallen upon our shoulders if we had not taken all possible precautionary measures at a time when Austria, while confining herself to discussions of a dilatory nature, was bombarding Belgrade and was undertaking general mobilization.

The Emperor of Russia had promised the German Emperor that he would take no aggressive action as long as the discussions with Austria continued. With such a guarantee, and after so many proofs of Russia's desire for peace, Germany neither could, nor had the right to, doubt our declaration that we would joyfully accept any peaceful settlement compatible with the dignity and independence of Servia. Any other solution, besides being entirely incompatible with our own dignity, would assuredly have upset the European balance of power by securing the hegemony of Germany. The European—nay, the world-wide—character of this dispute is infinitely more important than the pretext from which it springs. By her decision to declare war upon us, at a moment

when negotiations were in progress between the Powers, Germany has assumed a heavy responsibility.

(Signed) SAZONOF.

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No. 79.

*Note presented by the Austro-Hungarian Ambassador at St. Petersburg to the Russian Minister for Foreign Affairs on July 24 (August 6) 1914, at 6 P. M.*

On the instructions of his government, the undersigned, the Austro-Hungarian Ambassador, has the honor to inform his Excellency the Russian Minister for Foreign Affairs as follows:

In view of the threatening attitude adopted by Russia in the conflict between the Austro-Hungarian Monarchy and Servia; and of the fact that, according to a communication from the Berlin Cabinet, Russia has seen fit, as a result of that conflict, to open hostilities against Germany; and whereas Germany is consequently at war with Russia; Austria-Hungary therefore considers herself also at war with Russia from the present moment.

(Signed) SZAPARY.

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DIPLOMATIC CORRESPONDENCE RESPECTING THE WAR PUBLISHED BY  
THE BELGIAN GOVERNMENT \*

(July 24-August 29)

No. 1.

*Count Errembault de Dudzeele, Belgian Minister at Vienna, to Monsieur Davignon, Belgian Minister for Foreign Affairs*

VIENNA, July 24, 1914.

Sir: I have the honor to enclose herewith the text of the Austro-Hungarian ultimatum to Servia.

(Signed) COMTE ERREMBULT  
DE DUDZEELE.

\* English translation reprinted from British "Command Paper," 7627, Miscellaneous No. 12 (1914). The original French is also printed in that paper in a parallel column.



(Enclosure in No. 1)

[Text of Austro-Hungarian note, for which see "Miscellaneous No. 6 (1914)" No. 4, (Printed in Supplement to this JOURNAL for October, 1914, pp. 254-259).]

No. 2.

*Belgian Minister for Foreign Affairs to the Belgian Ministers at Paris, Berlin, London, Vienna, and St. Petersburg*

BRUSSELS, July 24, 1914.

Sir: The Belgian Government have had under their consideration whether, in present circumstances, it would not be advisable to address to the Powers who guarantee Belgian independence and neutrality a communication assuring them of Belgium's determination to fulfil the international obligations imposed upon her by treaty in the event of a war breaking out on her frontiers.

The government have come to the conclusion that such a communication would be premature at present, but that events might move rapidly and not leave sufficient time to forward suitable instructions at the desired moment to the Belgian representatives abroad.

In these circumstances I have proposed to the King and to my colleagues in the Cabinet, who have concurred, to give you now exact instructions as to the steps to be taken by you if the prospect of a Franco-German war became more threatening.

I enclose herewith a note, signed but not dated, which you should read to the Minister for Foreign Affairs and of which you should give him a copy, if circumstances render such a communication necessary.

I will inform you by telegram when you are to act on these instructions.

This telegram will be despatched when the order is given for the mobilization of the Belgian army if, contrary to our earnest hope and to the apparent prospect of a peaceful settlement, our information leads us to take this extreme measure of precaution.

(Signed) DAVIGNON.

(Enclosure in No. 2)

Sir: The international situation is serious, and the possibility of a war between several Powers naturally preoccupies the Belgian Government.

Belgium has most scrupulously observed the duties of a neutral state imposed upon her by the treaties of April 19, 1839; and those duties she will strive unflinchingly to fulfil, whatever the circumstances may be.

The friendly feelings of the Powers towards her have been so often reaffirmed that Belgium confidently expects that her territory will remain free from any attack, should hostilities break out upon her frontiers.

All necessary steps to ensure respect of Belgian neutrality have nevertheless been taken by the government. The Belgian army has been mobilized and is taking up such strategic positions as have been chosen to secure the defence of the country and the respect of its neutrality. The forts of Antwerp and on the Meuse have been put in a state of defence.

It is scarcely necessary to dwell upon the nature of these measures. They are intended solely to enable Belgium to fulfil her international obligations; and it is obvious that they neither have been nor can have been undertaken with any intention of taking part in an armed struggle between the Powers or from any feeling of distrust of any of those Powers.

In accordance with my instructions, I have the honor to communicate to your Excellency a copy of the declaration by the Belgian Government, and to request that you will be good enough to take note of it.

A similar communication has been made to the other Powers guaranteeing Belgian neutrality.

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No. 3.

*Belgian Minister for Foreign Affairs to the Belgian Ministers at Rome, The Hague, and Luxemburg*

BRUSSELS, July 25, 1914.

Sir: I have addressed an undated circular note, a copy of which is enclosed, to the Belgian representatives accredited to the Powers guaranteeing the independence and neutrality of Belgium.

Should the danger of a war between France and Germany become imminent, this circular note will be communicated to the governments of the guaranteeing Powers, in order to inform them of our fixed determination to fulfil those international obligations that are imposed upon us by the treaties of 1839.

The communications in question would only be made upon telegraphic instructions from me.

If circumstances lead me to issue such instructions, I shall request you also, by telegram, to notify the government to which you are accredited of the step we have taken, and to communicate to them a copy of the enclosed circular note for their information, and without any request that they should take note thereof.

My telegram will inform you of the date to be given to the circular note, which you should be careful to fill in on the copy which you hand to the Minister for Foreign Affairs.

It is unnecessary to point out that this despatch and its enclosure should be treated as strictly confidential until the receipt of fresh instructions from me.

(Signed) DAVIGNON.

(Enclosure in No. 3)

(See Enclosure in No. 2)

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No. 4.

*Monsieur Michotte de Welle, Belgian Minister at Belgrade, to Belgian Minister for Foreign Affairs*

BELGRADE, July 25, 1914.

Sir: I have the honor to transmit to you herewith the text of the reply returned by the Servian Government to the Austro-Hungarian note of the 10 (23) July.

(Signed) MICHOTTE  
DE WELLE.

(Enclosure in No. 4)

[Text of the Servian reply, for which see "Miscellaneous No. 6, (1914)," No. 39, (Printed in Supplement to this JOURNAL for October, 1914, pp. 283-287).]

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No. 5.

*Communication made on July 26, 1914, by the Austro-Hungarian Legation at Brussels to the Belgian Minister for Foreign Affairs*

Monsieur Pashitch gave the reply of the Servian Government to the Austro-Hungarian note before 6 o'clock yesterday. This reply not having been considered satisfactory, diplomatic relations have been broken off and the Minister and staff of the Austrian Legation have left

Belgrade. Servian mobilization had already been ordered before 3 o'clock.

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No. 6.

*Baron Beyens, Belgian Minister at Berlin, to Belgian Minister for Foreign Affairs*

(Telegram)

BERLIN, July 27, 1914.

According to a telegram from the British Chargé d'Affaires at Belgrade, the Servian Government have given way on all the points of the Austrian note. They even allow the intervention of Austrian officials if such a proceeding is in conformity with the usages of international law. The British Chargé d'Affaires considers that this reply should satisfy Austria if she is not desirous of war. Nevertheless, a more hopeful atmosphere prevails here to-day, more particularly because hostilities against Serbia have not begun. The British Government suggest mediation by Great Britain, Germany, France, and Italy at St. Petersburg and Vienna in order to find some basis for compromise. Germany alone has not yet replied. The decision rests with the Emperor.

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No. 7.

*Belgian Minister at Vienna to Belgian Minister for Foreign Affairs*

(Telegram)

VIENNA, July 28, 1914.

The Minister for Foreign Affairs has notified me of the declaration of war by Austria-Hungary against Serbia.

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No. 8.

*Belgian Minister for Foreign Affairs to the Belgian Ministers at Berlin, Paris, London, Vienna, St. Petersburg, Rome, The Hague, and Luxemburg*

BRUSSELS, July 29, 1914.

Sir: The Belgian Government have decided to place the army upon a strengthened peace footing.

This step should in no way be confused with mobilization.

Owing to the small extent of her territory, all Belgium consists, in some degree, of a frontier zone. Her army on the ordinary peace footing consists of only one class of armed militia; on the strengthened peace footing, owing to the recall of three classes, her army divisions and her cavalry division comprise effective units of the same strength as those of the corps permanently maintained in the frontier zones of the neighboring Powers.

This information will enable you to reply to any questions which may be addressed to you. (Signed) DAVIGNON.

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No. 9.

*Belgian Minister for Foreign Affairs to the Belgian Ministers at Berlin, Paris, and London*

BRUSSELS, July 31, 1914.

Sir: The French Minister came to show me a telegram from the Agence Havas reporting a state of war in Germany, and said:

I seize this opportunity to declare that no incursion of French troops into Belgium will take place, even if considerable forces are massed upon the frontiers of your country. France does not wish to incur the responsibility, so far as Belgium is concerned, of taking the first hostile act. Instructions in this sense will be given to the French authorities.

I thanked Monsieur Klobukowski for his communication, and I felt bound to observe that we had always had the greatest confidence in the loyal observance by both our neighboring states of their engagements towards us. We have also every reason to believe that the attitude of the German Government will be the same as that of the Government of the French Republic. (Signed) DAVIGNON.

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No. 10.

*Belgian Minister for Foreign Affairs to all heads of Belgian missions abroad*

(Telegram)

BRUSSELS, July 31, 1914.

The Minister of War informs me that mobilization has been ordered, and that Saturday, the 1st August, will be the first day.

(Signed) DAVIGNON.

## No. 11.

*Belgian Minister for Foreign Affairs to the Belgian Ministers at Berlin, London, and Paris*

BRUSSELS, July 31, 1914.

Sir: The British Minister asked to see me on urgent business, and made the following communication, which he had hoped for some days to be able to present to me: Owing to the possibility of a European war, Sir Edward Grey has asked the French and German Governments separately if they were each of them ready to respect Belgian neutrality provided that no other Power violated it:

In view of existing treaties, I am instructed to inform the Belgian Minister for Foreign Affairs of the above, and to say that Sir Edward Grey presumes that Belgium will do her utmost to maintain her neutrality, and that she desires and expects that the other Powers will respect and maintain it.

I hastened to thank Sir Francis Villiers for this communication, which the Belgian Government particularly appreciate, and I added that Great Britain and the other nations guaranteeing our independence could rest assured that we would neglect no effort to maintain our neutrality, and that we were convinced that the other Powers, in view of the excellent relations of friendship and confidence which had always existed between us, would respect and maintain that neutrality.

I did not fail to state that our military forces, which had been considerably developed in consequence of our recent re-organization, were sufficient to enable us to defend ourselves energetically in the event of the violation of our territory.

In the course of the ensuing conversation, Sir Francis seemed to me somewhat surprised at the speed with which we had decided to mobilize our army. I pointed out to him that the Netherlands had come to a similar decision before we had done so, and that, moreover, the recent date of our new military system, and the temporary nature of the measures upon which we then had to decide, made it necessary for us to take immediate and thorough precautions. Our neighbors and guarantors should see in this decision our strong desire to uphold our neutrality ourselves.

Sir Francis seemed to be satisfied with my reply, and stated that his government were awaiting this reply before continuing negotiations with France and Germany, the result of which would be communicated to me.

(Signed) DAVIGNON.

## No. 12.

*Belgian Minister for Foreign Affairs to the Belgian Ministers at Berlin,  
London, and Paris*

BRUSSELS, July 31, 1914.

Sir: In the course of the conversation which the Secretary-General of my Department had with Herr von Below this morning, he explained to the German Minister the scope of the military measures which we had taken, and said to him that they were a consequence of our desire to fulfil our international obligations, and that they in no wise implied an attitude of distrust towards our neighbors.

The Secretary-General then asked the German Minister if he knew of the conversation which he had had with his predecessor, Herr von Flotow, and of the reply which the Imperial Chancellor had instructed the latter to give.

In the course of the controversy which arose in 1911 as a consequence of the Dutch scheme for the fortification of Flushing, certain newspapers had maintained that in the case of a Franco-German war Belgian neutrality would be violated by Germany.

The Department of Foreign Affairs had suggested that a declaration in the German Parliament during a debate on foreign affairs would serve to calm public opinion, and to dispel the mistrust which was so regrettable from the point of view of the relations between the two countries.

Herr von Bethmann-Hollweg replied that he had fully appreciated the feelings which had inspired our representations. He declared that Germany had no intention of violating Belgian neutrality, but he considered that in making a public declaration Germany would weaken her military position in regard to France, who, secured on the northern side, would concentrate all her energies on the east.

Baron van der Elst, continuing, said that he perfectly understood the objections raised by Herr von Bethmann-Hollweg to the proposed public declaration, and he recalled the fact that since then, in 1913, Herr von Jagow had made reassuring declarations to the Budget Commission of the Reichstag respecting the maintenance of Belgian neutrality.

Herr von Below replied that he knew of the conversation with Herr von Flotow, and that he was certain that the sentiments expressed at that time had not changed.

(Signed) DAVIGNON.

(Enclosure in No. 12)

*Belgian Minister at Berlin to Belgian Minister for Foreign Affairs*

BERLIN, May 2, 1913.

Sir: I have the honor to bring to your notice the declarations respecting Belgian neutrality, as published in the semi-official *Norddeutsche Allgemeine Zeitung*, made by the Secretary of State and the Minister of War, at the meeting of the Budget Committee of the Reichstag on April 29th:

A member of the Social Democrat Party said: "The approach of a war between Germany and France is viewed with apprehension in Belgium, for it is feared that Germany will not respect the neutrality of Belgium."

Herr von Jagow, Secretary of State, replied: "Belgian neutrality is provided for by international conventions and Germany is determined to respect those conventions."

This declaration did not satisfy another member of the Social Democrat Party. Herr von Jagow said that he had nothing to add to the clear statement he had made respecting the relations between Germany and Belgium.

In answer to fresh enquiries by a member of the Social Democrat Party, Herr von Heeringen, the Minister of War, replied: "Belgium plays no part in the causes which justify the proposed reorganization of the German military system. That proposal is based on the situation in the east. Germany will not lose sight of the fact that the neutrality of Belgium is guaranteed by international treaty."

A member of the Progressive Party having once again spoken of Belgium, Herr von Jagow repeated that this declaration in regard to Belgium was sufficiently clear.

(Signed) BARON BEYENS.

## No. 13.

*Count de Lalaing, Belgian Minister at London, to Belgian Minister for Foreign Affairs*

(Telegram)

LONDON, August 1, 1914.

Great Britain has asked France and Germany separately if they intend to respect Belgian territory in the event of its not being violated by their adversary. Germany's reply is awaited. France has replied in the affirmative.



## No. 14.

*Belgian Minister at Berlin to Belgian Minister for Foreign Affairs*

(Telegram)

BERLIN, August 1, 1914.

The British Ambassador has been instructed to inquire of the Minister for Foreign Affairs whether, in the event of war, Germany would respect Belgian neutrality, and I understand that the Minister replied that he was unable to answer the question.

## No. 15.

*Belgian Minister for Foreign Affairs to the Belgian Ministers at Berlin, Paris, and London*

BRUSSELS, August 1, 1914.

Sir: I have the honor to inform you that the French Minister has made the following verbal communication to me:

I am authorized to declare that, in the event of an international war, the French Government, in accordance with the declarations they have always made, will respect the neutrality of Belgium. In the event of this neutrality not being respected by another Power, the French Government, to secure their own defence, might find it necessary to modify their attitude.

I thanked his Excellency and added that we on our side had taken without delay all the measures necessary to ensure that our independence and our frontiers should be respected.

(Signed) DAVIGNON.

## No. 16.

*Belgian Minister for Foreign Affairs to Belgian Ministers at Paris, Berlin, London, Vienna, and St. Petersburg*

(Telegram)

BRUSSELS, August 1, 1914.

Carry out instructions contained in my despatch of the 24th July.

(Signed) DAVIGNON.

(See No. 2)

## No. 17.

*Belgian Minister for Foreign Affairs to Belgian Ministers at Rome, The Hague, Luxemburg*

(Telegram)

BRUSSELS, August 1, 1914.

Carry out instructions contained in my despatch of the 25th July.

(Signed) DAVIGNON.

(See No. 3)

## No. 18.

*Monsieur Eyschen, President of the Luxemburg Government to Belgian Minister for Foreign Affairs*

(Telegram)

LUXEMBURG, August 2, 1914.

I have the honor to acquaint your Excellency with the following facts: According to information which has just reached the Grand Ducal Government, early on the morning of Sunday, August 2, German troops entered Luxemburg territory by the Wasserbillig and Remich bridges, proceeding more particularly towards the south and towards the town of Luxemburg, capital of the Grand Duchy. A certain number of armored trains with troops and ammunition have passed along the railway from Wasserbillig to Luxemburg, where they are expected at any moment. These incidents constitute acts plainly contrary to the neutrality of the Grand Duchy, guaranteed by the Treaty of London of 1867. The Luxemburg Government have not failed to protest vigorously to the German representative at Luxemburg against this act of aggression. An identic protest will be telegraphed to the German Secretary of State at Berlin.

(Signed) EYSCHEN.

## No. 19.

*Belgian Minister for Foreign Affairs to Belgian Ministers at Paris, Berlin, London, Vienna, and St. Petersburg*

BRUSSELS, August 2, 1914.

Sir: I was careful to warn the German Minister through Monsieur de Bassompierre that an announcement in the Brussels press by Mon-

sieur Klobukowski, French Minister, would make public the formal declaration which the latter had made to me on the 1st August. When I next met Herr von Below he thanked me for this attention, and added that up to the present he had not been instructed to make us an official communication, but that we knew his personal opinion as to the feelings of security, which we had the right to entertain towards our eastern neighbors. I at once replied that all that we knew of their intentions, as indicated in numerous previous conversations, did not allow us to doubt their perfect correctness towards Belgium. I added, however, that we should attach the greatest importance to the possession of a formal declaration, which the Belgian nation would hear of with joy and gratitude.

(Signed) DAVIGNON.

No. 20.

*Note presented by Herr von Below Saleske, German Minister at Brussels, to Belgian Minister for Foreign Affairs*

IMPERIAL GERMAN LEGATION IN BELGIUM.—BRUSSELS, August 2, 1914.

(Very Confidential)

Reliable information has been received by the German Government to the effect that French forces intend to march on the line of the Meuse by Givet and Namur. This information leaves no doubt as to the intention of France to march through Belgian territory against Germany.

The German Government cannot but fear that Belgium, in spite of the utmost goodwill, will be unable, without assistance, to repel so considerable a French invasion with sufficient prospect of success to afford an adequate guarantee against danger to Germany. It is essential for the self-defence of Germany that she should anticipate any such hostile attack. The German Government would, however, feel the deepest regret if Belgium regarded as an act of hostility against herself the fact that the measures of Germany's opponents force Germany, for her own protection, to enter Belgian territory.

In order to exclude any possibility of misunderstanding, the German Government make the following declaration:

1. Germany has in view no act of hostility against Belgium. In the event of Belgium being prepared in the coming war to maintain an attitude of friendly neutrality towards Germany, the German Government

bind themselves, at the conclusion of peace, to guarantee the possessions and independence of the Belgian Kingdom in full.

2. Germany undertakes, under the above-mentioned condition, to evacuate Belgian territory on the conclusion of peace.

3. If Belgium adopts a friendly attitude, Germany is prepared, in co-operation with the Belgian authorities, to purchase all necessities for her troops against a cash payment, and to pay an indemnity for any damage that may have been caused by German troops.

4. Should Belgium oppose the German troops, and in particular should she throw difficulties in the way of their march by a resistance of the fortresses on the Meuse, or by destroying railways, roads, tunnels, or other similar works, Germany will, to her regret, be compelled to consider Belgium as an enemy.

In this event, Germany can undertake no obligations towards Belgium, but the eventual adjustment of the relations between the two states must be left to the decision of arms.

The German Government, however, entertain the distinct hope that this eventuality will not occur, and that the Belgian Government will know how to take the necessary measures to prevent the occurrence of incidents such as those mentioned. In this case the friendly ties which bind the two neighboring states will grow stronger and more enduring.

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No. 21.

*Memorandum of an interview asked for at 1:30 A. M., on August 3, by Herr von Below Saleske, German Minister, with Baron van der Elst, Secretary-General to the Ministry for Foreign Affairs*

At 1:30 A. M. the German Minister asked to see Baron van der Elst. He told him that he had been instructed by his Government to inform the Belgian Government that French dirigibles had thrown bombs, and that a French cavalry patrol had crossed the frontier in violation of international law, seeing that war had not been declared.

The Secretary-General asked Herr von Below where these incidents had happened, and was told that it was in Germany. Baron van der Elst then observed that in that case he could not understand the object of this communication. Herr von Below stated that these acts, which were contrary to international law, were calculated to lead to the sup-

position that other acts, contrary to international law, would be committed by France.

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No. 22.

*Note communicated by Monsieur Davignon, Belgian Minister for Foreign Affairs, to Herr von Below Saleske, German Minister*

BRUSSELS, August 3, 1914 (7 A. M.).

The German Government stated in their note of the 2nd August, 1914, that according to reliable information French forces intended to march on the Meuse via Givet and Namur, and that Belgium, in spite of the best intentions, would not be in a position to repulse, without assistance, an advance of French troops.

The German Government, therefore, considered themselves compelled to anticipate this attack and to violate Belgian territory. In these circumstances, Germany proposed to the Belgian Government to adopt a friendly attitude towards her, and undertook, on the conclusion of peace, to guarantee the integrity of the Kingdom and its possessions to their full extent. The note added that if Belgium put difficulties in the way of the advance of German troops, Germany would be compelled to consider her as an enemy, and to leave the ultimate adjustment of the relations between the two states to the decision of arms.

\*This note has made a deep and painful impression upon the Belgian Government.

The intentions attributed to France by Germany are in contradiction to the formal declarations made to us on August 1, in the name of the French Government.

Moreover, if, contrary to our expectation, Belgian neutrality should be violated by France, Belgium intends to fulfil her international obligations and the Belgian army would offer the most vigorous resistance to the invader.

The treaties of 1839, confirmed by the treaties of 1870 vouch for the independence and neutrality of Belgium under the guarantee of the Powers, and notably of the Government of His Majesty the King of Prussia.

Belgium has always been faithful to her international obligations, she has carried out her duties in a spirit of loyal impartiality, and she has left nothing undone to maintain and enforce respect for her neutrality.

The attack upon her independence with which the German Government threaten her constitutes a flagrant violation of international law. No strategic interest justifies such a violation of law.

The Belgian Government, if they were to accept the proposals submitted to them, would sacrifice the honor of the nation and betray their duty towards Europe.

Conscious of the part which Belgium has played for more than eighty years in the civilization of the world, they refuse to believe that the independence of Belgium can only be preserved at the price of the violation of her neutrality.

If this hope is disappointed the Belgian Government are firmly resolved to repel, by all the means in their power, every attack upon their rights.

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No. 23.

*Belgian Minister for Foreign Affairs to the Belgian Ministers at St. Petersburg, Berlin, London, Paris, Vienna, The Hague*

(Telegram)

BRUSSELS, August 3, 1914.

At 7 P. M. last night Germany presented a note proposing friendly neutrality. This entailed free passage through Belgian territory, while guaranteeing the maintenance of the independence of Belgium and of her possessions on the conclusion of peace, and threatened, in the event of refusal, to treat Belgium as an enemy. A time limit of twelve hours was allowed within which to reply.

Our answer has been that this infringement of our neutrality would be a flagrant violation of international law. To accept the German proposal would be to sacrifice the honor of the nation. Conscious of her duty, Belgium is firmly resolved to repel any attack by all the means in her power.

(Signed) DAVIGNON.

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No. 24.

*Belgian Minister for Foreign Affairs to the Belgian Ministers at Paris, Berlin, London, Vienna, and St. Petersburg*

BRUSSELS, August 3, 1914 (12 noon).

Sir: As you are aware, Germany has delivered to Belgium an ultimatum which expires this morning, 3rd August, at 7 A. M. As no act of

war has occurred up to the present, the Cabinet has decided that there is, for the moment, no need to appeal to the guaranteeing Powers.

The French Minister has made the following statement to me upon the subject:—

Although I have received no instructions to make a declaration from my government, I feel justified, in view of their well-known intentions, in saying that if the Belgian Government were to appeal to the French Government as one of the Powers guaranteeing their neutrality, the French Government would at once respond to Belgium's appeal; if such an appeal were not made it is probable, that—unless of course exceptional measures were rendered necessary in self-defence—the French Government would not intervene until Belgium had taken some effective measure of resistance.

I thanked Monsieur Klobukowski for the support which the French Government had been good enough to offer us in case of need, and I informed him that the Belgian Government were making no appeal at present to the guarantee of the Powers, and that they would decide later what ought to be done.

(Signed) DAVIGNON.

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No. 25.

*His Majesty the King of the Belgians to His Majesty King George*

(Telegram)

BRUSSELS, August 3, 1914.

Mindful of the numerous marks of friendship of your Majesty and of your Majesty's predecessors, as well as the friendly attitude of Great Britain in 1870 and of the proofs of sympathy which she has once again shown us, I make the supreme appeal to the diplomatic intervention of your Majesty's Government to safeguard the neutrality of Belgium.

(Signed) ALBERT.

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No. 26.

*Belgian Minister at London to Belgian Minister for Foreign Affairs*

(Telegram)

LONDON, August 3, 1914.

I showed your telegram to the Minister for Foreign Affairs, who has laid it before the Cabinet. The Minister for Foreign Affairs has in-

formed me that if our neutrality is violated it means war with Germany.

(Signed) COMTE DE LALAING.

(See No. 23)

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No. 27.

*German Minister at Brussels to Belgian Minister for Foreign Affairs*

(The original is in French)

BRUSSELS, August 4, 1914 (6 A. M.).

Sir: In accordance with my instructions, I have the honor to inform your Excellency that in consequence of the refusal of the Belgian Government to entertain the well-intentioned proposals made to them by the German Government, the latter, to their deep regret, find themselves compelled to take—if necessary by force of arms—those measures of defence already foreshadowed as indispensable, in view of the menace of France.

(Signed) VON BELOW.

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No. 28.

*Note communicated by Sir Francis H. Villiers, British Minister at Brussels, to Belgian Minister for Foreign Affairs*

BRUSSELS, August 4, 1914.

I am instructed to inform the Belgian Government that if Germany brings pressure to bear upon Belgium with the object of forcing her to abandon her attitude of neutrality, His Britannic Majesty's Government expect Belgium to resist with all the means at her disposal.

In that event, His Britannic Majesty's Government are prepared to join Russia and France, should Belgium so desire, in tendering at once joint assistance to the Belgian Government with a view to resisting any forcible measures adopted by Germany against Belgium, and also offering a guarantee for the maintenance of the future independence and integrity of Belgium.



No. 29.

*Belgian Minister at The Hague to Belgian Minister for Foreign Affairs*

THE HAGUE, August 4, 1914.

Sir: The Minister for Foreign Affairs told me yesterday evening that the Netherlands Government would perhaps be obliged, owing to the gravity of the present situation, to institute war buoying on the Scheldt.

M. Loudon read me the draft of the note which would announce this decision to me.

I have the honor to transmit to you herewith a copy of the note in question which was communicated to me yesterday evening.

As you will observe, the Scheldt will only be closed at night. By day navigation will be possible, but only with Dutch pilots who have been furnished with the necessary nautical instructions. In this way both Dutch interests in the defence of their territory, and Belgian interests in the navigation of Antwerp will be safeguarded.

You will note that the Netherlands Government further ask that in the event of the war buoying being carried out, we should cause the lightships *Wielingen* and *Wandelaar* to be withdrawn in order to facilitate the maintenance of the neutrality of Dutch territory.

I would point out that the phrase used in this note, "sailing up the Scheldt," is not sufficiently explicit; sailing down would be permitted under the same conditions. The Minister has, however, given me this assurance.

As soon as the Netherlands Government have decided upon this exceptional measure I shall be informed of it.

About six hours are necessary to carry out war buoying.

I will at once telegraph to you.

(Signed) BARON FALLON.

Note enclosed in No. 29

The Netherlands Government may be compelled, in order to maintain the neutrality of Dutch territory, to institute war buoying upon the Scheldt, that is to say, to move or modify a portion of the actual arrangement of buoys and lights.

At the same time this special arrangement of buoys has been so drawn up that when it is brought into force it will still be possible, to sail up the Scheldt as far as Antwerp by day, but only with Dutch pilots who

have been furnished with the necessary nautical instructions. In thus acting the Netherlands Government are convinced that they will be able to serve equally both the Dutch interests in the defence of Netherlands territory and Belgian interests in the navigation of Antwerp.

After the establishment of war buoying on the Scheldt, there would be no further reason to enter the tidal water of Flushing at night, and as the presence of the lightships *Wielingen* and *Wandelaar* is not indispensable to navigation by day, the Netherlands Government would be much obliged if the Belgian Government would be good enough, in the event of the establishment of war buoying, to withdraw these boats in order to facilitate the maintenance of the neutrality of Dutch territory.

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No. 30.

*Belgian Minister for Foreign Affairs to Belgian Ministers at London and Paris*

(Telegram)

BRUSSELS, August 4, 1914.

The General Staff announces that Belgian territory has been violated at Gemmenich.

(Signed) DAVIGNON.

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No. 31.

*Belgian Minister for Foreign Affairs to Herr von Below Saleske, German Minister*

BRUSSELS, August 4, 1914.

Sir: I have the honor to inform your Excellency that from to-day the Belgian Government are unable to recognize your diplomatic status and cease to have official relations with you. Your Excellency will find enclosed the passports necessary for your departure with the staff of the legation.

(Signed) DAVIGNON.

## No. 32.

*Herr von Below Saleske, German Minister, to Belgian Minister for Foreign Affairs*

BRUSSELS, August 4, 1914.

Sir: I have the honor to acknowledge the receipt of your Excellency's note of the 4th August, and to inform you that I have entrusted the custody of the German Legation of Brussels to the care of my United States colleague.

(Signed) DE BELOW.

## No. 33.

*Belgian Minister for Foreign Affairs to Baron Grenier, Belgian Minister at Madrid*

(Telegram)

BRUSSELS, August 4, 1914.

Please ask the Spanish Government if they will be good enough to take charge of Belgian interests in Germany, and whether in that event they will issue the necessary instructions to their Ambassador at Berlin.

(Signed) DAVIGNON.

## No. 34.

*Belgian Minister for Foreign Affairs to Belgian Minister at Berlin.*

(Telegram)

BRUSSELS, August 4, 1914.

The German Minister is leaving to-night; you should ask for your passports. We are requesting the Spanish Government to authorize the Spanish Ambassador to be good enough to take charge of Belgian interests in Germany.

(Signed) DAVIGNON.

## No. 35.

*Belgian Minister at Berlin to Belgian Minister for Foreign Affairs*

BERLIN, August 4, 1914.

Sir: I have the honor to transmit to you herewith a translation of part of the speech made to-day in the Reichstag by the Imperial

Chancellor on the subject of the infamous violation of Belgian neutrality:

We are in a state of legitimate defence and necessity knows no law.

Our troops have occupied Luxemburg and have perhaps already entered Belgium. This is contrary to the dictates of international law. France has, it is true, declared at Brussels that she was prepared to respect the neutrality of Belgium so long as it was respected by her adversary. But we knew that France was ready to invade Belgium. France could wait; we could not. A French attack upon our flank in the region of the Lower Rhine might have been fatal. We were, therefore, compelled to ride roughshod over the legitimate protests of the Governments of Luxemburg and Belgium. For the wrong which we are thus doing, we will make reparation as soon as our military object is attained.

Anyone in such grave danger as ourselves, and who is struggling for his supreme welfare can only be concerned with the means of extricating himself; we stand side by side with Austria.

It is noteworthy that Herr von Bethmann-Hollweg recognizes, without the slightest disguise, that Germany is violating international law by her invasion of Belgian territory and that she is committing a wrong against us.

(Signed) BARON BEYENS.

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No. 36.

*Belgian Minister at London to Belgian Minister for Foreign Affairs*

LONDON, August 4, 1914.

Sir: I have the honor to inform you that in the House of Commons this afternoon the Prime Minister made a fresh statement with regard to the European crisis.

After recalling the principal points set forth yesterday by Sir E. Grey, the Prime Minister read:

1. A telegram received from Sir F. Villiers this morning which gave the substance of the second ultimatum presented to the Belgian Government by the German Government, which had been sent to you this morning. (See No. 27.)
2. Your telegram informing me of the violation of the frontier at Gemmenich, a copy of which I have given to Sir A. Nicolson.
3. A telegram which the German Government addressed to its Ambassador in London this morning with the evident intention of mislead-

ing popular opinion as to its attitude. Here is the translation as published in one of this evening's newspapers:

Please dispel any mistrust which may subsist on the part of the British Government with regard to our intentions, by repeating most positively the formal assurance that, even in the case of armed conflict with Belgium, Germany will, under no pretence whatever annex Belgian territory.

Sincerity of this declaration is borne out by fact that we solemnly pledged our word to Holland strictly to respect her neutrality.

It is obvious that we could not profitably annex Belgian territory without making at the time territorial acquisitions at the expense of Holland.

Please impress upon Sir E. Grey that German army could not be exposed to French attack across Belgium, which was planned according to absolutely unimpeachable information.

Germany had consequently to disregard Belgian neutrality, it being for her a question of life or death to prevent French advance.

Mr. Asquith then informed the House that in answer to this note of the German Government the British Government had repeated their proposal of last week, namely, that the German Government should give the same assurances as to Belgian neutrality as France had given last week both to England and to Belgium. The British Cabinet allowed the Berlin Cabinet till midnight to reply.

(Signed) COMTE DE LALAING.

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No. 37.

*Belgian Minister at London to Belgian Minister for Foreign Affairs*

(Telegram)

LONDON, August 4, 1914.

The Minister for Foreign Affairs has informed the British Ministers in Norway, Holland, and Belgium, that Great Britain expects that these three kingdoms will resist German pressure and observe neutrality. Should they resist they will have the support of Great Britain, who is ready in that event, should the three above-mentioned governments desire it, to join France and Russia, in offering an alliance to the said governments for the purpose of resisting the use of force by Germany against them, and a guarantee to maintain the future independence and integrity of the three kingdoms. I observed to him that Belgium was

neutral in perpetuity. The Minister for Foreign Affairs answered: This is in case her neutrality is violated.

(Signed) COMTE DE LALAING.

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No. 38.

*Belgian Minister for Foreign Affairs to Belgian Ministers in Paris, London, and St. Petersburg*

BRUSSELS, August 4, 1914.

Sir: I have the honor to inform you of the course of recent events as regards the relations of Belgium with certain of the Powers which guarantee her neutrality and independence.

On the 31st July the British Minister made me a verbal communication according to which Sir E. Grey, in anticipation of a European war, had asked the German and French Governments separately if each of them were resolved to respect the neutrality of Belgium should that neutrality not be violated by any other Power.

In view of existing treaties, Sir F. Villiers was instructed to bring this step to the knowledge of the Belgian Government, adding that Sir E. Grey presumed that Belgium was resolved to maintain her neutrality, and that she expected other Powers to respect it.

I told the British Minister that we highly appreciated this communication, which was in accordance with our expectation, and I added that Great Britain, as well as the other Powers who had guaranteed our independence, might rest fully assured of our firm determination to maintain our neutrality; nor did it seem possible that our neutrality could be threatened by any of those states, with whom we enjoyed the most cordial and frank relations. The Belgian Government, I added, had given proof of this resolution by taking from now on all such military measures as seemed to them to be necessitated by the situation.

In his turn the French Minister made a verbal communication on August 1st to the effect that he was authorized to inform the Belgian Government that in case of an international war the French Government, in conformity with their repeated declarations, would respect Belgian territory, and that they would not be induced to modify their attitude except in the event of the violation of Belgian neutrality by another Power.

I thanked his Excellency, and added that we had already taken all

the necessary precautions to ensure respect of our independence and our frontiers.

On the morning of August 2nd I had a fresh conversation with Sir F. Villiers, in the course of which he told me that he had lost no time in telegraphing our conversation of July 31st to his government, and that he had been careful to quote accurately the solemn declaration which he had received of Belgium's intention to defend her frontiers from whichever side they might be invaded. He added: "We know that France has given you formal assurances, but Great Britain has received no reply from Berlin on this subject."

The latter fact did not particularly affect me, since a declaration from the German Government might appear superfluous in view of existing treaties. Moreover, the Secretary of State had reaffirmed, at the meeting of the committee of the Reichstag of April 29th, 1913, "that the neutrality of Belgium is established by treaty which Germany intends to respect."

The same day Herr von Below Saleske, the German Minister, called at the Ministry for Foreign Affairs at 7 o'clock, and handed to me the enclosed note. (See No. 20.) The German Government gave the Belgian Government a time limit of twelve hours within which to communicate their decision.

No hesitation was possible as to the reply called for by the amazing proposal of the German Government. You will find a copy enclosed. (See No. 22.)

The ultimatum expired at 7 A. M. on August 3rd. As at 10 o'clock no act of war had been committed, the Belgian Cabinet decided that there was no reason for the moment to appeal to the guaranteeing Powers.

Towards mid-day the French Minister questioned me upon this point, and said:

Although in view of the rapid march of events I have as yet received no instructions to make a declaration from my government, I feel justified, in view of their well-known intentions, in saying that if the Belgian Government were to appeal to the French Government as one of the Powers guaranteeing their neutrality, the French Government would at once respond to Belgium's appeal; if such an appeal were not made it is probable that—unless, of course, exceptional measures were rendered necessary in self-defence—the French Government would not intervene until Belgium had taken some effective measure of resistance.

I thanked Monsieur Klobukowski for the support which the French Government had been good enough to offer us in case of need, and I

informed him that the Belgian Government were making no appeal at present to the guarantee of the Powers, and that they would decide later what ought to be done.

Finally, at 6 A. M. on August 4th, the German Minister made the following communication to me. (See No. 27.)

The Cabinet is at the present moment deliberating on the question of an appeal to the Powers guaranteeing our neutrality.

(Signed) DAVIGNON.

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No. 39.

*Belgian Minister at London to Belgian Minister for Foreign Affairs*

(Telegram)

LONDON, August 4, 1914.

Great Britain this morning called upon Germany to respect Belgian neutrality. The ultimatum says that whereas the note addressed by Germany to Belgium threatens the latter with an appeal to the force of arms if she opposes the passage of German troops; and whereas Belgian territory has been violated at Gemmenich; and whereas Germany has refused to give Great Britain a similar assurance to that given last week by France; therefore Great Britain must once again demand a satisfactory reply on the subject of the respect of Belgian neutrality and of the treaty to which Germany, no less than Great Britain, is a signatory. The ultimatum expires at midnight.

In consequence of the British ultimatum to Germany, the British proposal which I telegraphed to you is cancelled for the time being.

(Signed) COMTE DE LALAING.

(See No. 37)

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No. 40.

*Belgian Minister for Foreign Affairs to British, French, and Russian Ministers at Brussels*

BRUSSELS, August 4, 1914.

Sir: The Belgian Government regret to have to announce to your Excellency that this morning the armed forces of Germany entered Belgian territory in violation of treaty engagements.



The Belgian Government are firmly determined to resist by all the means in their power.

Belgium appeals to Great Britain, France, and Russia to co-operate as guaranteeing Powers in the defence of her territory.

There should be concerted and joint action, to oppose the forcible measures taken by Germany against Belgium, and, at the same time, to guarantee the future maintenance of the independence and integrity of Belgium.

Belgium is happy to be able to declare that she will undertake the defence of her fortified places.

(Signed) DAVIGNON.

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No. 41.

*Belgian Minister at London to Belgian Minister for Foreign Affairs*

(Telegram)

LONDON, August 5, 1914.

Germany, having rejected the British proposals, Great Britain has informed her that a state of war existed between the two countries as from 11 o'clock.

(Signed) COMTE DE LALAING.

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No. 42.

*Belgian Minister for Foreign Affairs to the Belgian Ministers at Paris, London, and St. Petersburg*

(Telegram)

BRUSSELS, August 5, 1914.

After the violation of Belgian territory at Gemmenich, Belgium appealed to Great Britain, France, and Russia through their representatives at Brussels, to co-operate as guaranteeing Powers in the defence of her territory.

Belgium undertakes the defence of her fortified places.

(Signed) DAVIGNON.

## No. 43.

*Belgian Minister for Foreign Affairs to the Belgian Ministers at Paris, London, and St. Petersburg*

BRUSSELS, August 5, 1914.

Sir: In my despatch of August 4 (see No. 38) I had the honor to inform you of the sequence of events which had attended the international relations of Belgium from July 31st to August 4th. I added that the Cabinet was considering the question whether Belgium, whose territory had been invaded since the morning, should appeal to the guarantee of the Powers.

The Cabinet had decided in the affirmative when the British Minister informed me that the proposal which he had communicated to me, and according to which the British Government were disposed to respond favorably to our appeal to her as a guaranteeing Power, was cancelled for the time being. (See No. 37.)

A telegram from London made it clear that this change of attitude was caused by an ultimatum from Great Britain giving Germany a time limit of ten hours within which to evacuate Belgian territory and to respect Belgian neutrality. (See No. 39.) During the evening, the Belgian Government addressed to France, Great Britain, and Russia, through their respective representatives at Brussels, a note, of which a copy is enclosed herewith. (See No. 40.)

As you will observe, Belgium appeals to Great Britain, France, and Russia to co-operate as guaranteeing Powers in the defence of her territory and in the maintenance for the future of the independence and integrity of her territory. She will herself undertake the defence of her fortified places.

As yet we are not aware how our appeal has been received.

(Signed) DAVIGNON.

## No. 44.

*Belgian Minister for Foreign Affairs to the Belgian heads of missions in all countries having diplomatic relations with Belgium*

BRUSSELS, August 5, 1914.

Sir: By the treaty of April 18, 1839, Prussia, France, Great Britain, Austria, and Russia declared themselves guarantors of the treaty con-

cluded on the same day between His Majesty the King of the Belgians and His Majesty the King of the Netherlands. The treaty runs: "Belgium shall form a state independent and perpetually neutral." Belgium has fulfilled all her international obligations, she has accomplished her duty in a spirit of loyal impartiality, she has neglected no effort to maintain her neutrality and to cause that neutrality to be respected.

In these circumstances the Belgian Government have learnt with deep pain, that the armed forces of Germany, a Power guaranteeing Belgian neutrality, have entered Belgian territory in violation of the obligations undertaken by treaty.

It is our duty to protest with indignation against an outrage against international law provoked by no act of ours.

The Belgian Government are firmly determined to repel by all the means in their power the attack thus made upon their neutrality, and they recall the fact that, in virtue of Article 10 of The Hague Convention of 1907 respecting the rights and duties of neutral Powers and persons in the case of war by land, if a neutral Power repels, even by force, attacks on her neutrality such action cannot be considered as a hostile act.

I have to request that you will ask at once for an audience with the Minister for Foreign Affairs and read this despatch to his Excellency, handing him a copy. If the interview cannot be granted at once you should make the communication in question in writing.

(Signed) DAVIGNON.

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No. 45.

*Belgian Minister at Berlin to Belgian Minister for Foreign Affairs*

(Telegram)

BERLIN, August 5, 1914.

I have received my passports and shall leave Berlin to-morrow morning for Holland with the staff of the legation.

(Signed) BARON BEYENS.

No. 46.

*Belgian Minister at Madrid to Belgian Minister for Foreign Affairs*

(Telegram)

ST. SEBASTIAN, August 5, 1914.

The Spanish Government undertake the custody of Belgian interests in Germany, and are to-day sending telegraphic instructions to their Ambassador at Berlin.

(Signed) BARON GRENIER.

(See No. 33)

No. 47.

*Baron Guillaume, Belgian Minister at Paris, to Belgian Minister for Foreign Affairs*

PARIS, August 5, 1914.

Sir: I have the honor to enclose herewith a copy of the notification of a state of war between France and Germany, which has been communicated to me to-day.

(Signed) BARON GUILLAUME.

(Enclosure in No. 47)

Whereas the Imperial German Government have allowed their armed forces to cross the frontier and to indulge in divers acts of murder and violence on French territory; and whereas they have violated the neutrality of the Grand Duchy of Luxemburg, in contravention of the provisions of the Convention of London of May 11, 1867, and of the Convention of The Hague of October 18, 1907, respecting the rights and duties of neutral Powers and persons in the case of war on land (Articles 1-11), to which conventions the German Government were signatories; and whereas they have addressed an ultimatum to the Belgian Government in order to secure the passage of the German forces through Belgian territory, thereby violating the treaties of April 19, 1839, also signed by them, and of the above-mentioned Hague Convention;

They have declared war against France on August 3, 1914, at 6:45 P. M.

Therefore the French Government are themselves obliged in these circumstances to resort to arms.

The French Government therefore have the honor hereby to inform the Belgian Government that a state of war exists between France and Germany as from August 3, at 6:45 P. M.

The French Government protest to all civilized nations, and more particularly to the signatory governments of the conventions and treaties alluded to above, against Germany's violation of her international undertakings; the French Government reserve to themselves any action respecting reprisals which they may feel impelled to take against an enemy who pays so little regard to his plighted word.

The French Government, desirous of observing the principles of international law, will, on condition of reciprocity, act, during hostilities, in conformity with the provisions of the international conventions signed by France on the subject of the rights of war on land and on sea.

This notification, which is made in accordance with Article 2 of the said Second Hague Convention of October 18, 1907, respecting the opening of hostilities, is communicated to the Belgian Minister at Paris on August 5, 1914, at 2 P. M.

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No. 48.

*Communication of August 5, British Minister at Brussels to Belgian Minister for Foreign Affairs*

I am instructed to inform the Belgian Government that His Britannic Majesty's Government consider joint action with a view to resisting Germany to be in force and to be justified by the treaty of 1839.

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No. 49.

*Belgian Minister at London to Belgian Minister for Foreign Affairs*

(Telegram)

LONDON, August 5, 1914.

Great Britain agrees to take joint action in her capacity of guaranteeing Power for the defence of Belgian territory. The British fleet will ensure the free passage of the Scheldt for the provisioning of Antwerp.

(Signed) COMTE DE LALAING.

## No. 50.

*Belgian Minister at The Hague to Belgian Minister for Foreign Affairs*  
(Telegram)

THE HAGUE, August 5, 1914.

The war buoying is about to be established.

(Signed) BARON FALLON.

(See No. 29)

## No. 51.

*Belgian Minister for Foreign Affairs to Belgian Minister at Madrid*  
(Telegram)

BRUSSELS, August 5, 1914.

Please express to the Spanish Government the sincere thanks of the  
Belgian Government.

(Signed) DAVIGNON.

(See No. 46)

## No. 52.

*Belgian Minister for Foreign Affairs to the Belgian Ministers at Paris,  
London, and St. Petersburg*

BRUSSELS, August 5, 1914.

Sir: I have the honor to inform you that the French and Russian  
Ministers made a communication to me this morning informing me  
of the willingness of their governments to respond to our appeal, and to  
co-operate with Great Britain in the defence of Belgian territory.

(Signed) DAVIGNON.

## No. 53.

*Jonkheer de Weede, Netherlands Minister at Brussels, to Belgian Minister  
for Foreign Affairs*

BRUSSELS, August 6, 1914.

Sir: I have the honor to transmit to your Excellency herewith a copy  
of the special edition of the *Staatscourant*, containing the declaration of

the neutrality of the Netherlands in the war between Belgium and Germany, and between Great Britain and Germany.

(Signed) JONKHEER DE WEEDE.

(Enclosure to No. 53)

LAWS, DECREES, NOMINATIONS, &c.

*Ministries of Foreign Affairs, Justice, Marine, War, and the Colonies*

The Ministers of Foreign Affairs, Justice, Marine, War, and the Colonies, authorized to that effect by Her Majesty the Queen, make known to all whom it may concern that the Netherlands Government will observe strict neutrality in the war which has broken out between Great Britain and Germany, and Belgium and Germany, Powers friendly to the Netherlands, and that, with a view to the observance of this neutrality, the following dispositions have been taken:

ARTICLE 1

Within the limits of the territory of the state, including the territory of the Kingdom in Europe and the colonies and possessions in other parts of the world, no hostilities of any kind are permitted, neither may this territory serve as a base for hostile operations.

ARTICLE 2

Neither the occupation of any part of the territory of the state by a belligerent nor the passage across this territory by land is permitted to the troops or convoys of munitions belonging to the belligerents, nor is the passage across the territory situated within the territorial waters of the Netherlands by the warships or ships assimilated thereto of the belligerents permitted.

ARTICLE 3

Troops or soldiers belonging to the belligerents or destined for them arriving in the territory of the state by land will be immediately disarmed and interned until the termination of the war.

Warships or ships assimilated thereto belonging to a belligerent, who contravenes the provisions of Articles 2, 4 or 7 will not be permitted to leave the said territory until the end of the war.

## ARTICLE 4

No warships or ships assimilated thereto belonging to any of the belligerents shall have access to the said territory.

## ARTICLE 5

The provisions of Article 4 do not apply to:

1. Warships or ships assimilated thereto which are forced to enter the ports or roadsteads of the state on account of damages or the state of the sea. Such ships may leave the said ports or roadsteads as soon as the circumstances which have driven them to take shelter there shall have ceased to exist.

2. Warships or ships assimilated thereto belonging to a belligerent which anchor in a port or roadstead in the colonies or oversea possessions exclusively with the object of completing their provision of foodstuffs or fuel. These ships must leave as soon as the circumstances which have forced them to anchor shall have ceased to exist, subject to the condition that their stay in the roadstead or port shall not exceed twenty-four hours.

3. Warships or ships assimilated thereto belonging to a belligerent employed exclusively on a religious, scientific, or humanitarian mission.

## ARTICLE 6

Warships or ships assimilated thereto belonging to a belligerent may only execute such repairs in the ports and roadsteads of the state as are indispensable to their seaworthiness, and they may in no way increase their fighting capacities.

## ARTICLE 7

Warships or ships assimilated thereto belonging to a belligerent who may at the commencement of war be within the territory of the state must leave within twenty-four hours from the moment of the publication of this declaration.

## ARTICLE 8

If warships or ships assimilated thereto belonging to different belligerents find themselves at the same time, in the conditions set forth in Article 5, in the same part of the world and within the territory of the state, a delay of at least twenty-four hours must elapse between the departure of each respective belligerent ship. Except in special circum-



stances, the order of departure shall be determined by the order of arrival. A warship or ship assimilated thereto belonging to a belligerent may only leave the territory of the state twenty-four hours after the departure of a merchant ship which flies the flag of another belligerent.

#### ARTICLE 9

Warships or ships assimilated thereto belonging to a belligerent to which Articles 5 and 7 are applicable may only be provisioned with foodstuffs in the ports and roadsteads of the country to the extent necessary to bring their provisions up to the normal limit in time of peace.

Similarly they can only be supplied with fuel to the extent necessary to enable them, with the stock they already have on board, to reach the nearest port of their own country.

The same vessel cannot again be provided with fuel until a period of at least three months shall have elapsed since it was last provisioned in the territory of the state.

#### ARTICLE 10

A prize may only be brought into Dutch territory if such prize is unnavigable, or unseaworthy, or short of fuel or foodstuffs.

Such prize must leave as soon as the reasons which caused her to enter Dutch territory cease to exist.

Should such prize fail to do so, immediate orders shall be given her to leave. In the event of a refusal, all possible means shall be employed to liberate the prize, with her officers and crew, and to intern the crew placed on board by the belligerent who has taken it as prize.

#### ARTICLE 11

It is forbidden, in state territory, to form a corps of combatants or to open recruiting offices on behalf of the belligerents.

#### ARTICLE 12

It is forbidden, in state territory, to take service on board warships or ships assimilated thereto.

#### ARTICLE 13

It is forbidden, in state territory, to equip, arm, or man vessels intended for military purposes on behalf of a belligerent, or to furnish or deliver such vessels to a belligerent.

## ARTICLE 14

It is forbidden in state territory to supply arms or ammunition to warships or ships assimilated thereto belonging to a belligerent, or to come to their assistance in any manner whatsoever with a view to augment their crew or their equipment.

## ARTICLE 15

It is forbidden in state territory failing previous authorization by the competent local authorities, to repair warships or ships assimilated thereto belonging to a belligerent, or to supply them with victuals or fuel.

## ARTICLE 16

It is forbidden in state territory to take part in the dismantling or repairing of prizes, except in so far as is necessary to make them seaworthy; also to purchase prizes or confiscated goods, and to receive them in exchange, in gift, or on deposit.

## ARTICLE 17

The state territory comprises the coastal waters to a distance of 3 nautical miles, reckoning 60 to the degree of latitude, from low-water mark.

As regards inlets, this distance of 3 nautical miles is measured from a straight line drawn across the inlet at the point nearest the entrance where the mouth of the inlet is not wider than 10 nautical miles, reckoning 60 to the degree of latitude.

## ARTICLE 18

Further, attention is called to Articles 100, Section 1, and 205 of the Penal Code; "Indisch Staatsblad," 1905, No. 62; Article 7, Section 4, of the law respecting the status of Netherlands nationality, and respecting domicile ("Nederlandsch Staatsblad," 1892, No. 268; 1910, No. 216); Article 2, No. 3, of the law respecting the status of Netherlands nationality ("Nederlandsch Staatsblad," 1910, No. 55; "Indisch Staatsblad," 1910, No. 296; Articles 54 and 55 of the Penal Code of Surinam; Articles 54 and 55 of the Penal Code of Curaçoa).

Similarly, the attention of commanding officers, owners, and charterers of ships is called to the dangers and inconveniences to which they would expose themselves by disregarding the effective blockade of

belligerents, by carrying contraband of war, or military despatches for belligerents (except in the course of the regular postal service), or by rendering them other transport services.

Any person guilty of the acts aforesaid would expose himself to all the consequences of those acts, and would not be able, as regards them, to obtain any protection or intervention on the part of the Netherlands Government.

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No. 54.

*Belgian Minister for Foreign Affairs to Baron Fallon, Belgian Minister at The Hague*

(Telegram)

BRUSSELS, August 6, 1914.

Please communicate the following note to the Netherlands Government:

The Belgian Government have taken note of the establishment of war buoying on the Scheldt and of the fact that the Netherlands Government will ensure the maintenance of navigation.

It would be convenient that navigation should be possible from 30 minutes before sunrise to 30 minutes after sunset, and that the exchange of pilots should take place at Bath.

With every desire to fall in with the requests of the Netherlands Government, the Belgian Government think that it is desirable in the interests of the littoral ports to retain the lightships of Wielingen and of Wandelaar, and also the buoys of the Wielingen Channel.

(Signed) DAVIGNON.

(See No. 50)

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No. 55.

*Belgian Minister at The Hague to Belgian Minister for Foreign Affairs*

(Telegram)

THE HAGUE, August 6, 1914.

Navigation on the Scheldt is allowed from daybreak and so long as it is light. The Wielingen buoys will be replaced. The exchange of pilots

at Hansweert is easier and better organized. Are you particularly anxious to have Bath? (Signed) BARON FALLON.

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No. 56.

*Belgian Minister for Foreign Affairs to Belgian Minister at The Hague*  
(Telegram)

BRUSSELS, August 7, 1914.

Please express to the Netherlands Government the sincere thanks of the Belgian Government for the measures taken to secure navigation on the Scheldt. The Belgian Government are in agreement with the Netherlands Government on the subject of the extent of navigation. They had proposed Bath, but accept Hansweert, since this port has better facilities for the exchange of pilots. (Signed) DAVIGNON.

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No. 57.

*Belgian Minister for Foreign Affairs to the Belgian Ministers at Paris and London*  
(Telegram)

BRUSSELS, August 7, 1914.

Belgium trusts that the war will not be extended to Central Africa. The Governor of the Belgian Congo has received instructions to maintain a strictly defensive attitude. Please ask the French Government [British Government] where they intend to proclaim the neutrality of the French Congo [British colonies in the conventional basin of the Congo], in accordance with Article 11 of the General Act of Berlin. A telegram from Boma reports that hostilities are probable between the French and Germans in the Ubangi. (Signed) DAVIGNON.

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No. 58.

*Belgian Minister for Foreign Affairs to the Belgian Ministers at Paris and London*

BRUSSELS, August 7, 1914.

Sir: With reference to my telegram of this morning, I have the honor to request you to bring to the notice of the French [British] Government the following information:

While instructions have been sent to the Governor-General of the Congo to take defensive measures on the common frontiers of the Belgian colony and of the German colonies of East Africa and the Cameroons, the Belgian Government have suggested to that officer that he should abstain from all offensive action against those colonies.

In view of the civilizing mission common to colonizing nations, the Belgian Government desire, in effect, for humanitarian reasons, not to extend the field of hostilities to Central Africa. They will, therefore, not take the initiative of putting such a strain on civilization in that region, and the military forces which they possess there will only go into action in the event of their having to repel a direct attack on their African possessions.

I should be glad to learn whether the French [British] Government share this view and in that case whether it is their intention, during the present conflict, to avail themselves of Article 11 of the General Act of Berlin to neutralize such of their colonies as are contained in the conventional basin of the Congo.

I am addressing an identic communication to your colleague at London [Paris].

(Signed) DAVIGNON.

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No. 59.

*Belgian Minister at Paris to Belgian Minister for Foreign Affairs*

PARIS, August 8, 1914.

Sir: I have had the honor of speaking to the President of the Republic with respect to your telegram of yesterday. I had received it during the evening and had immediately communicated it to the Ministry for Foreign Affairs. They asked for time to consider it before answering.

Monsieur Poincaré has promised me to speak on this subject to-day to the Minister of the Colonies. At first sight he could see little difficulty in proclaiming the neutrality of the French Congo, but he nevertheless reserves his reply. He believes that acts of war have already taken place in the Ubangi. He has taken the opportunity to remind me that the protection accorded us by France extends also to our colonies and that we have nothing to fear.

(Signed) BARON GUILLAUME.

## No. 60.

*Belgian Minister at The Hague to Belgian Minister for Foreign Affairs*

(Telegram)

THE HAGUE, August 9, 1914.

The Netherlands Minister for Foreign Affairs has begged me to convey to you the following information, the United States Minister at Brussels having declined to do so.

The fortress of Liège has been taken by assault after a brave defence. The German Government most deeply regret that bloody encounters should have resulted from the attitude of the Belgian Government towards Germany. Germany is not coming as an enemy into Belgium, it is only through the force of circumstances that she has had, owing to the military measures of France, to take the grave decision of entering Belgium and occupying Liège as a base for her further military operations. Now that the Belgian army has upheld the honor of its arms by its heroic resistance to a very superior force, the German Government beg the King of the Belgians and the Belgian Government to spare Belgium the further horrors of war. The German Government are ready for any compact with Belgium which can be reconciled with their arrangements with France. (See No. 70.) Germany once more gives her solemn assurance that it is not her intention to appropriate Belgian territory to herself and that such an intention is far from her thoughts. Germany is still ready to evacuate Belgium as soon as the state of war will allow her to do so.

The United States Ambassador had asked his colleague to undertake this attempt at mediation. The Minister for Foreign Affairs has accepted this mission without enthusiasm. I have undertaken it to oblige him.

(Signed) BARON FALLON.

## No. 61.

*Belgian Minister at Paris to Belgian Minister for Foreign Affairs*

(Telegram)

PARIS, August 9, 1914.

The French Government are strongly inclined to proclaim the neutrality of the possessions in the conventional basin of the Congo and are begging Spain to make the suggestion at Berlin.

(Signed) BARON GUILLAUME.

(See No. 59)

## No. 62.

*Belgian Minister at The Hague to Belgian Minister for Foreign Affairs*

THE HAGUE, August 10, 1914.

Sir: In response to a call on the telephone, yesterday evening at 9 o'clock, I went to the Department for Foreign Affairs.

Jonkheer Loudon told me that my German colleague had just left his room, and had handed him a document which the United States representative at Brussels had declined to forward to you.

The United States official in charge of the German Legation at Brussels stated that he had received no special instructions from Washington to intervene officially with the Belgian Government in the interest of Germany.

The United States Minister consequently telegraphed to his colleague at The Hague, who informed the German representative of Mr. Whitlock's refusal.

The German Government, therefore, took the initial step by approaching the United States Ambassador at Berlin.

In these circumstances, and in view of the urgency of these matters, Herr von Müller begged Jonkheer Loudon to act as the intermediary of the German Government in this negotiation with you.

His Excellency read me the German text of the document. I did not hide my astonishment at this attempt at mediation, and its poor chance of success in this form; but, solely in order to oblige the Netherlands Minister for Foreign Affairs, I promised to telegraph to you immediately; and this I did yesterday.

You will find the German document enclosed in original and translation.

(Signed) BARON FALLON.

[Enclosure 1 in No. 62, being the original German of which enclosure No. 2 following is the translation, is omitted from this Supplement.]

(Enclosure 2 in No. 62)

The fortress of Liège has been taken by assault after a brave defence. The German Government most deeply regrets that bloody encounters should have resulted from the Belgian Government's attitude towards Germany. Germany is not coming as an enemy into Belgium. It is only through the force of circumstances that she has had, owing to the military measures of France, to take the grave decision of entering

Belgium and occupying Liège as a base for her further military operations. Now that the Belgian army has upheld the honor of its arms in the most brilliant manner by its heroic resistance to a very superior force, the German Government beg the King of the Belgians and the Belgian Government to spare Belgium the horrors of war. The German Government are ready for any compact with Belgium which can in any way be reconciled with their arrangements with France. Germany gives once more her solemn assurance that she has not been animated by the intention of appropriating Belgian territory for herself, and that such an intention is far from her thoughts. Germany is still ready to evacuate Belgium as soon as the state of war will allow her to do so.

The United States Ambassador here concurs in this attempt at mediation by his colleague in Brussels.

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No. 63.

*Belgian Minister for Foreign Affairs to Belgian Minister at The Hague*  
(Telegram)

BRUSSELS, August 10, 1914.

The Belgian Government have received the proposals made to them by the German Government through the intermediary of the Netherlands Government. They will forward a reply shortly.

(Signed) DAVIGNON.

(See No. 62 and Enclosures)

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No. 64.

*Belgian Minister for Foreign Affairs to Belgian Minister at The Hague*  
(Telegram)

BRUSSELS, August 10, 1914.

Doubt exists as to the meaning of the word "Auseinandersetzung," which you translate by "arrangement." Please ascertain whether the German Government have in mind any arrangements which we may have come to with France, or a settlement of the dispute between France and Germany.

(Signed) DAVIGNON.



## No. 65.

*Belgian Minister for Foreign Affairs to the British, Russian, and French  
Ministers at Brussels*

BRUSSELS, August 10, 1914.

Sir: I have the honor to inform your Excellency that the Belgian Minister at The Hague, at the request of the Netherlands Minister for Foreign Affairs, has forwarded to us the following proposal from the German Government. (See No. 62, enclosure 2.)

The Belgian Government propose to return the following reply to this communication:

The proposal made to us by the German Government repeats the proposal formulated in their ultimatum of August 2. Faithful to her international obligations, Belgium can only reiterate her reply to that ultimatum, the more so as since August 3 her neutrality has been violated, a distressing war has been waged on her territory, and the guarantors of her neutrality have responded loyally and without delay to her appeal.

The Belgian Government consider that the Powers guaranteeing the neutrality of Belgium should have cognizance of these documents.

(Signed) DAVIGNON.

## No. 66.

*Belgian Minister for Foreign Affairs to the Belgian Ministers at London,  
Paris, and St. Petersburg*

BRUSSELS, August 10, 1914.

Sir: I have the honor to inform you of the circumstances which led to the departure of the Belgian representative from Luxembourg.

The general officer commanding the German troops in the Grand Duchy of Luxemburg informed the German Minister in that town, on August 8th, of the desire of the military authorities for the departure of the Belgian representative at the Grand Ducal Court.

Herr von Buch addressed to Monsieur Eyschen, President of the government, a note, of which the following is a translation:

Luxemburg,

August 8, 1914.

Your Excellency,

In consequence of the completely hostile attitude adopted by Belgium towards Germany, the military authorities find themselves obliged to insist upon the departure of the Belgian Minister from Luxemburg.

His Excellency the general officer commanding begs Count van den Steen de Jehay to arrange his journey home in such a way that he may be able, within twenty-four hours, to see General von Ploetz at Coblentz, with a view to settling the details of the further stages of his journey. It is impossible for him to travel except *via* Trèves-Coblentz.

(Signed) VON BUCH.

Monsieur Eyschen forwarded this note the same day to Count van den Steen de Jehay, accompanied by a letter in the following terms:

Luxemburg,

*August 8, 1914.*

Sir,

I greatly regret to have to communicate to you the enclosed copy of a note from the German Minister, informing me that the German military authorities demand your departure.

You will find in it the conditions which they attach thereto.

Herr von Buch told me that the military authorities advise you to travel by railway, as an attempt to carry out your journey by motor would expose you to being too frequently stopped for reasons connected with the control of the roads. But the choice is left to you.

The German Minister will come to me for your answer.

I cannot tell you how painful it is to me to fulfil my present task. I shall never forget the pleasant relations which have existed between us, and I hope that your journey may be carried out under the best possible conditions.

(Signed) EYSCHEN.

The Belgian Government, considering that the Grand Ducal Government had no choice in their attitude, and that the course they had been obliged to adopt in no way implied any discourteous intention towards the King of the Belgians or towards Belgium, decided that there was no reason, in these circumstances, for requesting the Luxemburg Chargé d'Affaires to leave Belgium.

(Signed) DAVIGNON.

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No. 67.

*Mr. Whitlock, United States Minister at Brussels, to Belgian Minister for Foreign Affairs*

BRUSSELS, *August 11, 1914.*

Sir: The United States Legation received a telegram to-day from Washington, conveying the information that the United States Government had, at the request of the German Government, consented, as

a matter of international courtesy, to undertake the protection of German subjects in Belgium.

In accordance with the instructions contained in this telegram, we will, therefore, if you see no objection, undertake to use our good and friendly offices with the Belgian Government for the protection of German subjects. The pleasant relations which we have had with you in this matter up to the present convince me that we may continue them with the same object on the same pleasant footing.

(Signed) BRAND WHITLOCK.

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No. 68.

*British Minister at Brussels to Belgian Minister for Foreign Affairs*

BRUSSELS, August 11, 1914.

Sir: I have telegraphed to Sir E. Grey the German communication and the proposed reply.

I have received instructions to express to your Excellency the entire concurrence of His Britannic Majesty's Government. The latter can only declare their approval of the terms of the reply which the Belgian Government propose to give to this attempt to sow discord between the Powers at present united for the defence of the treaties violated by Germany.

(Signed) F. H. VILLIERS.

(See No. 65)

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No. 69.

*Monsieur Klobukowski, French Minister at Brussels, to Belgian Minister for Foreign Affairs*

BRUSSELS, August 11, 1914.

Sir: I have the honor to inform your Excellency that the French Government give their entire concurrence to the reply which the Belgian Government propose to return to the new German ultimatum.

That reply is one which was to be expected from a government and a people who have so heroically resisted the hateful violation of their territory.

France will continue to fulfil her duties as a guaranteeing Power of Belgian neutrality and as a faithful friend of Belgium.

(Signed) KLOBUKOWSKI.

(See No. 65)

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No. 70.

*Belgian Minister at The Hague to Belgian Minister for Foreign Affairs*

(Telegram)

THE HAGUE, August 12, 1914.

The German text contained a mistake: instead of "seine Auseinandersetzung," it should read "ihre," and thus be translated "their conflict with France."

(Signed) BARON FALLON.

(See No. 64)

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No. 71.

*Belgian Minister for Foreign Affairs to Belgian Minister at The Hague*

(Telegram)

BRUSSELS, August 12, 1914.

Please communicate the following telegram to the Netherlands Minister for Foreign Affairs:

The proposal made to us by the German Government repeats the proposal which was formulated in the ultimatum of August 2nd. Faithful to her international obligations, Belgium can only reiterate her reply to that ultimatum, the more so as since August 3rd, her neutrality has been violated, a distressing war has been waged on her territory, and the guarantors of her neutrality have responded loyally and without delay to her appeal.

(Signed) DAVIGNON.

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No. 72.

*Monsieur Sazonof, Russian Minister for Foreign Affairs, to Belgian Minister for Foreign Affairs*

(Telegram)

ST. PETERSBURG, August 13, 1914.

Please thank the Belgian Government for their communication, and express to them the pleasure which the Russian Government feel at the

firm and dignified attitude, upon which they are heartily to be congratulated. (Signed) SAZONOF.

(See No. 65)

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No. 73.

*Belgian Minister at The Hague to Belgian Minister for Foreign Affairs*

THE HAGUE, August 13, 1914.

Sir: I had the honor to receive your telegram of yesterday, and I at once communicated to the Netherlands Minister for Foreign Affairs, the Belgian reply to the second German proposal.

His Excellency undertook to forward the Belgian communication to the German Minister forthwith. (Signed) BARON FALLON.

(See No. 71)

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No. 74.

*Belgian Minister at Paris to Belgian Minister for Foreign Affairs*

PARIS, August 16, 1914.

Sir: In the course of a conversation which I had this morning with Monsieur de Margerie, I turned the conversation to colonial affairs and to the action which you had instructed me to take in your telegram and your despatch of the 7th instant.

Monsieur de Margerie reminded me that the French Government had approached Spain, but the latter had not answered before knowing the views of Great Britain. It seems that the latter has still given no answer.

Monsieur de Margerie considered that in view of the present situation Germany should be attacked wherever possible; he believes that such is also the opinion of Great Britain, who certainly has claims to satisfy; France wishes to get back that part of the Congo which she had been compelled to give up in consequence of the Agadir incident.

Monsieur de Margerie added that a success would not be difficult to obtain. (Signed) BARON GUILLAUME.

(See Nos. 57 and 58)

## No. 75.

*Belgian Minister at London to Belgian Minister for Foreign Affairs*

LONDON, August 17, 1914.

Sir: In reply to your despatch of August 7th, I have the honor to inform you that the British Government cannot agree to the Belgian proposal to respect the neutrality of the belligerent powers in the conventional basin of the Congo.

German troops from German East Africa have already taken the offensive against the British Central African Protectorate. Furthermore, British troops have already attacked the German port of Dar-es-Salaam, where they have destroyed the wireless telegraphy station.

In these circumstances, the British Government, even if they were convinced from the political and strategical point of view of the utility of the Belgian proposal, would be unable to adopt it.

The British Government believe that the forces they are sending to Africa will be sufficient to overcome all opposition. They will take every step in their power to prevent any risings of the native population.

France is of the same opinion as Great Britain on account of German activity which has been noticed near Bonar and Ekododo.

(Signed) COUNT DE LALAING.

(See Nos. 57 and 58)

## No. 76.

*Monsieur Tombeur, Belgian Vice-Governor of the Katanga, to Monsieur Renkin, Belgian Minister for the Colonies*

(Telegram)

ELIZABETHVILLE, August 26, 1914.

The Germans are continuing their skirmishes on Tanganyika and attacked the port of Lukuga, on August 22nd. Two of their natives were killed and two wounded. Fresh attacks are expected.

(Signed) TOMBEUR.

## No. 77.

*Count Clary and Aldringen, Austro-Hungarian Minister at The Hague,  
to Belgian Minister for Foreign Affairs*

(Telegram)

Forwarded through the Netherlands Minister for Foreign Affairs.)

THE HAGUE, August 28, 1914.

On the instructions of my government, I have the honor to inform your Excellency as follows:

Whereas Belgium, having refused to accept the proposals made to her on several occasions by Germany, is affording her military assistance to France and Great Britain, both of which Powers have declared war upon Austria-Hungary, and whereas as has just been proved, Austrian and Hungarian nationals in Belgium have had to submit, under the very eyes of the Belgian authorities, to treatment contrary to the most primitive demands of humanity and inadmissible even towards subjects of an enemy state, therefore Austria finds herself obliged to break off diplomatic relations and considers herself from this moment in a state of war with Belgium. I am leaving the country with the staff of the legation and I am entrusting the protection of Austrian interests to the United States Minister in Belgium. The Austro-Hungarian Government are forwarding his passports to Count Errembault de Duzeele.

(Signed) CLARY.

## No. 78.

*Belgian Minister for Foreign Affairs to Belgian Minister at The Hague*

(Telegram)

ANTWERP, August 29, 1914.

Please inform the Austrian Legation through the Minister for Foreign Affairs that I have received Austria-Hungary's declaration of war against Belgium, and add the following:

Belgium has always entertained friendly relations with all her neighbors without distinction. She had scrupulously fulfilled the duties imposed upon her by her neutrality. If she has not been able to accept Germany's proposals, it is because those proposals contemplated the violation of her engagements toward Europe, engagements which form the conditions of the creation of the Belgian Kingdom. She has been unable to admit that a people, however weak they may be, can fail in their duty and sacrifice their honor by yielding to force. The government have waited, not only until the ultimatum had expired, but also until Belgian territory had been violated by German troops, before appealing to France and Great Britain, guarantors

of her neutrality, under the same terms as are Germany and Austria-Hungary, to co-operate in the name and in virtue of the treaties in defence of Belgian territory. By repelling the invaders by force of arms, she has not even committed an hostile act as laid down by the provisions of Article 10 of The Hague Convention respecting the rights and duties of neutral Powers.

Germany herself has recognized that her attack constitutes a violation of international law, and, being unable to justify it, she has pleaded her strategical interests.

Belgium formally denies the allegation that Austrian and Hungarian nationals have suffered treatment in Belgium contrary to the most primitive demands of humanity.

The Belgian Government, from the very commencement of hostilities, have issued the strictest orders for the protection of Austro-Hungarian persons and property.

(Signed) DAVIGNON.

#### No. 79.

##### *Belgian Minister for Foreign Affairs to Belgian Ministers abroad*

ANTWERP, August 29, 1914.

Sir: Under date of the 17th August, I addressed a despatch to the Belgian Minister at London, in which I felt bound to call attention to certain allegations made by the German Government which are mentioned in the Blue Book recently published by the British Government.

I have the honor to enclose for your information a copy of the despatch in question and of its enclosures.

I request that you will bring its contents to the notice of the government to which you are accredited.

(Signed) DAVIGNON.

(Enclosure 1 in No. 79)

##### *Belgian Minister for Foreign Affairs to Belgian Minister at London*

BRUSSELS, August 17, 1914.

Sir: The Blue Book recently published by the British Government contains (see No. 122) [Supplement to this Journal for October, 1914, p. 350] the text of a telegram despatched from Berlin on the 31st July by Sir E. Goschen to Sir E. Grey, in which the following passage occurs:

It appears from what he [his Excellency the Secretary of State] said, that the German Government consider that certain hostile acts have already been committed by Belgium. As an instance of this, he alleged that a consignment of corn for Germany had been placed under an embargo already.

The incident to which the German Secretary of State alluded in



his conversation with Sir E. Goschen, and which he considered as an hostile act on the part of Belgium, doubtless refers to the application of the Royal decree of the 30th July, which provisionally prohibited the export from Belgium of certain products. As you will see from the explanation in the following paragraph, the incident with which we are reproached has in no wise the character which Germany has wished to attribute to it.

The Royal decrees dated the 30th July and published in the *Moniteur belge* the following day forbade, provisionally, the export, both by land and by sea of a series of products, more especially of cereals. On the 31st July the German Minister at Brussels called my attention to the fact that the Antwerp customs were detaining cargoes of grain addressed to Germany, which, as they were merely transshipped in our port, were in reality only in *transit*. Herr von Below Saleske requested that the vessels carrying these cargoes should be allowed to depart freely. The very day on which the German Minister's request was received, the Foreign Office brought the matter to the notice of the Ministry of Finance, and the following day, the 2nd August, that Department informed us that instructions had been forwarded to the Belgian Customs giving full and entire satisfaction to Germany.

I cannot do better than enclose, for your information, copies of the correspondence exchanged on this subject with Herr Below Saleske. You will observe that nothing in our attitude can be taken as showing any hostile dispositions towards Germany; the steps taken by the Belgian Government at that time were nothing more than those simple precautions which it is the right and duty of every state to adopt in such exceptional circumstances.

It would be as well that you should address a communication to the British Government in order to explain the real facts of the case.

(Signed) DAVIGNON.

(Enclosure 2 in No. 79)

*German Minister at Brussels to Belgian Minister for Foreign Affairs*

BRUSSELS, July 31, 1914.

Sir: I am informed from Antwerp that the Customs have forbidden the despatch of vessels containing cargoes of grain for Germany.

In view of the fact that it is not in this case a question of the *export* of grain, but of grain in *transit*, the goods in question having been merely

transshipped at Antwerp, I have the honor to ask your good offices in order that the vessels in question may be allowed to leave for Germany.

At the same time I beg your Excellency to inform me if the port of Antwerp is closed for the transit of those goods specified in the *Moniteur* of to-day.

Awaiting your Excellency's reply at your earliest possible convenience, I have, &c. (Signed) DE BELOW SALESKE.

(Enclosure 3 in No. 79)

*Belgian Minister for Foreign Affairs to German Minister at Brussels.*

BRUSSELS, August 1, 1914.

Sir: In reply to your Excellency's note of the 31st July, I have the honor to inform you that the Belgian decree of the 30th July concerns only the export and not the transit of the products mentioned.

I at once communicated your note to the Minister of Finance and begged him to issue precise instructions to the Customs officials in order that any error in the application of the above mentioned decree might be avoided. (Signed) DAVIGNON.

(Enclosure 4 in No. 79)

*Belgian Minister for Foreign Affairs to German Minister at Brussels*

BRUSSELS, August 3, 1914.

Sir: With reference to the note which your Excellency was good enough to address to me on the 31st July, I have the honor to inform you that the Minister of Finance has instructed the Customs that the prohibitions established by the Royal decrees of the 30th July last, only apply to actual exports, and do not, therefore, extend to goods regularly declared in transit at the time of import. Moreover, when duty free goods are declared to be for actual consumption, although they are really intended for export, they are commonly the object of special declarations of free entry, which are considered as transit documents. In short, if it should happen that such goods had been declared as for consumption without restriction, as though they were to remain in the country, the Customs would still allow them to leave the country as soon as it had been duly established by despatch receipts, bills of lading, &c., that they were to be exported forthwith in transit.

I would add that the export of grain with which your note deals was authorized on the 1st August. (Signed) DAVIGNON.

"HOW THE FRANCO-GERMAN CONFLICT MIGHT HAVE BEEN AVOIDED"<sup>1</sup>

The following documents refer to the exchange of views between Germany and England immediately before the war broke out. It will be perceived from these documents that Germany was prepared to spare France in case England should remain neutral and would guarantee the neutrality of France.

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*Telegram of His Royal Highness Prince Henry of Prussia to H. M. the King of England of July 30th, 1914*

Am here since yesterday, have informed William of what you kindly told me at Buckingham Palace last Sunday who gratefully received your message.

William, much preoccupied, is trying his utmost to fulfill Nicky's appeal to him to work for maintenance of peace and is in constant telegraphic communication with Nicky who to-day confirms news that military measures have been ordered by him equal to mobilization, measures which have been taken already five days ago.

We are furthermore informed that France is making military preparations whereas we have taken no measures but may be forced to do so any moment should our neighbors continue which then would mean a European war.

If you really and earnestly wish to prevent this terrible disaster, may I suggest you using your influence on France and also Russia to keep neutral which seems to me would be most useful.

This I consider a very good, perhaps the only chance, to maintain the peace of Europe.

I may add that now more than ever Germany and England should lend each other mutual help to prevent a terrible catastrophe which otherwise seems unavoidable.

Believe me that William is most sincere in his endeavors to maintain peace, but that the military preparations of his two neighbors may at last force him to follow their example for the safety of his own country, which otherwise would remain defenseless.

I have informed William of my telegram to you and hope you will

<sup>1</sup> Official document published in English by the German Government. Druck: Liebheit & Thiesen, Berlin.

receive my informations in the same spirit of friendship which suggested them.

(Signed) HENRY.

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*Telegram of H. M. the King of England to Prince Henry of Prussia of July 30th, 1914*

Thanks for your telegram, so pleased to hear of William's effort to concert with Nicky to maintain peace. Indeed I am earnestly desirous that such an irreparable disaster as a European war should be averted. My government is doing its utmost suggesting to Russia and France to suspend further military preparations if Austria will consent to be satisfied with occupation of Belgrade and neighboring Servian territory as a hostage for satisfactory settlement of her demands other countries meanwhile suspending their war preparation. Trust William will use his great influence to induce Austria to accept this proposal thus proving that Germany and England are working together to prevent what would be an international catastrophe. Pray assure William I am doing and shall continue to do all that lies in my power to preserve peace of Europe.

(Signed) GEORGE.

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*Telegram of His Majesty the Emperor to H. M. the King of England of July 31st, 1914*

Many thanks for your kind telegram. Your proposals coincide with my ideas and with the statements I got this night from Vienna which I have had forwarded to London. I just received news from Chancellor that official notification has just reached him that this night Nicky has ordered the mobilization of his whole army and fleet. He has not even awaited the results of the mediation I am working at and left me without any news. I am off for Berlin to take measures for insuring safety of my eastern frontiers where strong Russian troops are already posted.

(Signed) WILLY.

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*Telegram of the King of England to His Majesty the Emperor of August 1st, 1914*

Many thanks for your telegram last night. I sent an urgent telegram to Nicky expressing my readiness to do everything in my power to assist in reopening conversations between Powers concerned.

(Signed) GEORGIE.

*Telegram of the German Ambassador in London to the Chancellor of August 1st, 1914*

Sir E. Grey just asked me by telephone whether I believed to be in a position to declare that we would not attack France in a war between Germany and Russia in case France should remain neutral. I declared I believed to be able to give such an undertaking.

(Signed) LICHNOWSKY.

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*Telegram of His Majesty the Emperor to H. M. the King of England of August 1st, 1914*

I just received the communication from your government offering French neutrality under guarantee of Great Britain. Added to this offer was the enquiry whether under these conditions Germany would refrain from attacking France. On technical grounds my mobilization which had already been proclaimed this afternoon must proceed against two fronts east and west as prepared; this cannot be countermanded because I am sorry your telegram came so late. But if France offers me neutrality which must be guaranteed by the British fleet and army I shall of course refrain from attacking France and employ my troops elsewhere. I hope that France will not become nervous. The troops on my frontier are in the act of being stopped by telegraph and telephone from crossing into France.

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*Telegram of the Chancellor to the German Ambassador in London of August 1st, 1914*

Germany is ready to accept British proposal in case England guarantees with all her forces absolute neutrality of France in Russo-German conflict. German mobilization has been ordered to-day on account of Russian challenge before English proposal was known here. It is therefore now impossible to make any change in strategical distribution of troops ordered to the French frontier. But we guarantee that our troops will not cross the French frontier before 7 P. M. on Monday the 3rd inst. in case England will pledge herself meanwhile.

(Signed) BETHMANN-HOLLWEG.

*Telegram of H. M. the King of England to His Majesty the Emperor of  
August 1st, 1914*

In answer to your telegram just received, I think there must be some misunderstanding as to a suggestion that passed in friendly conversation between Prince Lichnowsky and Sir Edward Grey this afternoon when they were discussing how actual fighting between German and French armies might be avoided while there is still a chance of some agreement between Austria and Russia. Sir Edward Grey will arrange to see Prince Lichnowsky early to-morrow morning to ascertain whether there is a misunderstanding on his part. (Signed) GEORGE.

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*Telegram of the German Ambassador in London to the Chancellor of  
August 2nd, 1914*

Sir E. Grey's suggestions were prompted by a desire to make it possible for England to keep permanent neutrality, but as they were not based on a previous understanding with France and made without knowledge of our mobilization, they have been abandoned as absolutely hopeless. (Signed) LICHNOWSKY.

The essence of Germany's declarations is contained in Emperor William's telegram to the King of England of August 1st, 1914. Even if there existed a misunderstanding as to an English proposal, the Kaiser's offer furnished England the opportunity to prove her pacific disposition and to prevent the Franco-German war.

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STATEMENT OF SIR EDWARD GREY ON THE LICHNOWSKY DESPATCHES<sup>1</sup>

Lord ROBERT CECIL asked the Secretary of State for Foreign Affairs whether his attention has been called to the publication by the German Government of certain proposals which are alleged to have been made to secure French and English neutrality during the war; and whether the publication was complete and accurate.

Sir E. GREY: I have seen an incomplete publication. The circumstances were as follows: It was reported to me one day that the German Ambassador had suggested

<sup>1</sup> Hansard, Vol. 66, No. 123.

that Germany might remain neutral in a war between Russia and Austria, and also engage not to attack France, if we would remain neutral and secure the neutrality of France. I said at once that, if the German Government thought such an arrangement possible, I was sure we could secure it. It appeared, however, that what the Ambassador meant was that we should secure the neutrality of France if Germany went to war with Russia. This was quite a different proposal, and, as I supposed it in all probability to be incompatible with the terms of the Franco-Russian alliance, it was not in my power to promise to secure it. Subsequently, the Ambassador sent for my private secretary and told him that as soon as the misunderstanding was cleared up, he had sent a second telegram to Berlin to cancel the impression produced by the first telegram he had sent on the subject. The first telegram has been published. This second telegram does not seem to have been published.

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GERMAN OFFICIAL COMMUNIQUÉ ANENT NEGOTIATIONS BETWEEN PRINCE  
LICHNOWSKY AND SIR EDWARD GREY <sup>1</sup>

(Translation)

The *Norddeutsche Allgemeine Zeitung* of September 5, 1914, contains the following official statement:

According to news received in Berlin, Sir Edward Grey, in the House of Commons, has made a statement to the effect that the exchange of telegrams between Germany and England, prior to the war, as published by the German Government, *was incomplete*.

The Secretary alleged that Prince Lichnowsky had cancelled his report anent the well-known telephonic conversation, immediately afterwards, by telegraph, after he had been enlightened that there was a *misunderstanding*. This telegram, however, had not been published.

Moreover, the *Times*, apparently on information from official quarters, has made an identical statement, with the comment that the *German Government had suppressed* the telegram in question, in order to be able to accuse England of perfidy, and to prove Germany's pacific intentions.

In contradiction to these statements, we hereby affirm *that a telegram of the alleged contents does not exist!*

Besides the telegram already published, which was despatched from London on August 1st, 11 A. M., Prince Lichnowsky sent on the same day, the following telegrams to Berlin:

(1) At 1.15 P. M.

"The Private Secretary of Sir Edward Grey just called to inform me: The Minister wished to make propositions to me for the neutrality of England, even in the event

<sup>1</sup> Appendix to the authorized translation of the German White Book, issued by the German Government and published in America by *The Fatherland*, New York City.

of our going to war with Russia, as well as with France. I shall see Sir Edward Grey this afternoon and will at once report."

(2) At 5.30 P. M.

"Sir Edward Grey has just read to me the following declaration which had been unanimously applied by the Cabinet:

"The reply of the German Government with regard to the neutrality of Belgium is a matter of very great regret because the neutrality of Belgium does affect feeling in this country. If Germany could see her way to give the same positive reply, as that which has been given by France, it would materially contribute to relieve anxiety and tension here, while on the other hand, if there were a violation of the neutrality of Belgium by one combatant while the other respected it, it would be extremely difficult to restrain public opinion in this country."

"To my question, whether he could give me a definite guaranty as to the neutrality of England in case we respected the neutrality of Belgium, the Minister responded that he was unable to do so. However, this question would have an important bearing upon English public opinion. If, in a war against France, we should violate the neutrality of Belgium, it would surely cause a change in public opinion which would make it very difficult for the British Government to maintain an amicable neutrality. So far, there was not the slightest intention to take hostile measures against us. The desire prevailed of refraining from such measures, as far as possible. Yet one could hardly draw a line up to which we might safely proceed, without calling forth British intervention. He repeatedly recurred to the neutrality of Belgium, and said that this question would, at all events play a great rôle. He said that he had already thought it over whether it would be possible that we and France would, in the event of a Russian war, remain in a state of armed opposition, without attacking each other. I asked him whether he was in a position to declare that France would be prepared to enter such a pact. Since we had no intention of either annihilating France, nor of annexing parts of her territory, I was inclined to think that we might be open for such an agreement which would secure for us the neutrality of Great Britain. The Minister said that he would make inquiries, adding that he did not under-rate the difficulties of maintaining military inactivity on both sides."

(3) At 8.30 P. M.

"My report of this morning is cancelled by my report of tonight. Since positive English proposals are not forthcoming, further steps in the direction indicated in (Your Excellency's) instructions are useless."

Obviously, the above telegrams contain no hint whatsoever that there had been a misunderstanding, nor anything about the removal of the alleged misunderstanding, as affirmed by the English statesman.



ARBITRATION CONVENTION BETWEEN PORTUGAL AND THE NETHERLANDS <sup>1</sup>

*Signed at The Hague, April 3, 1913*

Her Majesty the Queen of the Netherlands and the President of the Portuguese Republic, considering that the execution of the convention concluded between the Netherlands and Portugal at The Hague, October 1, 1904, concerning the boundary of Dutch and Portuguese possessions in the Island of Timor, has given rise to a dispute on the subject of the area of the part of the boundary considered in Article 3, Number 10, of that convention, and wishing to end this dispute amicably, according to Article 13 of the said convention, and Article 38 of the Convention for the Pacific Settlement of International Disputes concluded at The Hague October 18, 1907, have named as their plenipotentiaries, to wit: [Here follow names of plenipotentiaries] Who, duly authorized to this end, have agreed upon the following articles:

## ARTICLE 1

The Government of Her Majesty the Queen of the Netherlands and the Government of the Portuguese Republic agree to submit the above mentioned dispute to a single arbitrator to be chosen from the members of the Permanent Court of Arbitration.

If the two governments cannot agree upon the choice of such an arbitrator, they will address a request to the President of the Swiss Confederation to designate him.

## ART. 2

On the basis of the facts furnished to him by the parties, the arbitrator shall decide according to the treaties and the general principles of international law, how, conformably with Article 3, Number 10 of the convention concluded at The Hague on October 1, 1904, concerning the boundary of Dutch and Portuguese possessions in the Island of Timor, the frontier should be fixed starting from the Noel Bilomi, as far as the source of the Noel Meto.

<sup>1</sup> Translated by courtesy of Mr. S. F. Bemis, of Medford, Mass., from official print of the award published in French by the International Bureau of the Permanent Court of Arbitration.

## ART. 3

Each of the parties, through the intermediary of the International Bureau of the Permanent Court of Arbitration, within a period of three months after the exchange of ratifications of the present convention, shall deposit with the arbitrator a Case containing the recital of its rights and the supporting documents, and shall immediately furnish to the other party a true attested copy.

Upon the expiration of the time limit above mentioned each of the parties shall have an additional period of three months to deposit with the arbitrator, through the intermediary above-mentioned, a second Case, if he should deem it useful, a true attested copy of which shall be furnished to the opposite party.

The arbitrator is authorized to grant each of the parties who may request it an extension of two months in proportion to the time limit mentioned in this article. He shall give notice of each prorogation to the opposite party.<sup>2</sup>

## ART. 4

After the exchange of these Cases, no written or verbal communications shall be made to the arbitrator, unless the latter apply to the parties to obtain from them, or from one of them, additional written information.

The party who shall give this information shall furnish immediately to the other party a true attested copy and the latter may, if he deems it fit, within a period of two months after the reception of that copy, communicate in writing to the arbitrator the observations to which that information has given place. These observations shall in the same way be communicated immediately in true attested copy to the opposite party.

## ART. 5

The arbitrator shall sit in a place to be designated by him

## ART. 6

The court shall make use of the French language in the award as well as in the communications that it may have occasion to address to the

<sup>2</sup> A prorogation of two months was accorded the parties for the deposit of their *second* Cases.

parties in the course of the procedure. The Cases and other communications emanating from the parties shall be drawn up in that language.

#### ART. 7

The arbitrator shall decide on all questions that may arise relative to the procedure during the course of the litigation.

#### ART. 8

Immediately after the ratification of the present convention each of the parties shall deposit in the hands of the arbitrator a sum of two thousand francs as security for the expense of the procedure.

#### ART. 9

The award shall be communicated in writing by the arbitrator to the parties.

The reasons for it shall be given.

The arbitrator shall fix the expense of the procedure in the award. Each party shall bear its own expenses and an equal part of the said expense of the procedure.

#### ART. 10

The parties agree to accept as final judgment the decision pronounced by the arbitrator within the limits of the present convention, and to execute it with no reservation.

All disputes concerning the execution shall be submitted to the arbitrator.

#### ART. 11

The present convention shall be ratified and shall go in force immediately after the exchange of ratifications, which shall take place at The Hague as soon as possible.

In witness whereof, the two plenipotentiaries have signed the present convention and affixed thereto their seals.

Done in duplicate at The Hague, April 3, 1913.

(L.-S.) (Signed) R. DE MAREES SWINDEREN

(L.-S.) (Signed) ANTONIO MARIA

BARTHOLOMEU FERRERIA.

PROCLAMATION OF NEUTRALITY BY THE PRESIDENT OF THE UNITED STATES  
OF AMERICA*No. 1271—August 4, 1914*

WHEREAS a state of war unhappily exists between Austria-Hungary and Servia and between Germany and Russia and between Germany and France;<sup>1</sup> And Whereas the United States is on terms of friendship and amity with the contending Powers, and with the persons inhabiting their several dominions;

And Whereas there are citizens of the United States residing within the territories or dominions of each of the said belligerents and carrying on commerce, trade, or other business or pursuits therein;

And Whereas there are subjects of each of the said belligerents residing within the territory or jurisdiction of the United States, and carrying on commerce, trade, or other business or pursuits therein;

And Whereas the laws and treaties of the United States, without interfering with the free expression of opinion and sympathy, or with the commercial manufacture or sale of arms or munitions of war, nevertheless impose upon all persons who may be within their territory and jurisdiction the duty of an impartial neutrality during the existence of the contest;

And Whereas it is the duty of a neutral government not to permit or suffer the making of its waters subservient to the purposes of war;

Now, Therefore, I, WOODROW WILSON, President of the United States of America, in order to preserve the neutrality of the United States and of its citizens and of persons within its territory and jurisdiction, and to enforce its laws and treaties, and in order that all persons, being warned of the general tenor of the laws and treaties of the United States in this behalf, and of the law of nations, may thus be prevented from any violation of the same, do hereby declare and proclaim that by certain provisions of the act approved on the 4th day of March, A. D. 1909, com-

<sup>1</sup> Identical proclamations have been issued for the following belligerents: Germany and Great Britain, signed August 5, 1914; Austria-Hungary and Russia, signed August 7, 1914; Great Britain and Austria-Hungary, signed August 13, 1914; France and Austria-Hungary, signed August 14, 1914; Belgium and Germany, signed August 18, 1914; Japan and Germany, signed August 24, 1914; Japan and Austria-Hungary, signed August 27, 1914; Belgium and Austria-Hungary, signed September 1, 1914.

monly known as the "Penal Code of the United States" the following acts are forbidden to be done, under severe penalties, within the territory and jurisdiction of the United States, to-wit:

1. Accepting and exercising a commission to serve either of the said belligerents by land or by sea against the other belligerent.

2. Enlisting or entering into the service of either of the said belligerents as a soldier, or as a marine, or seaman on board of any vessel of war, letter of marque, or privateer.

3. Hiring or retaining another person to enlist or enter himself in the service of either of the said belligerents as a soldier, or as a marine, or seaman on board of any vessel of war, letter of marque, or privateer.

4. Hiring another person to go beyond the limits or jurisdiction of the United States with intent to be enlisted as aforesaid.

5. Hiring another person to go beyond the limits of the United States with intent to be entered into service as aforesaid.

6. Retaining another person to go beyond the limits of the United States with intent to be enlisted as aforesaid.

7. Retaining another person to go beyond the limits of the United States with intent to be entered into service as aforesaid. (But the said act is not to be construed to extend to a citizen or subject of either belligerent who, being transiently within the United States, shall, on board of any vessel of war, which, at the time of its arrival within the United States, was fitted and equipped as such vessel of war; enlist or enter himself or hire or retain another subject or citizen of the same belligerent, who is transiently within the United States, to enlist or enter himself to serve such belligerent on board such vessel of war, if the United States shall then be at peace with such belligerent.)

8. Fitting out and arming, or attempting to fit out and arm, or procuring to be fitted out and armed, or knowingly being concerned in the furnishing, fitting out, or arming of any ship or vessel with intent that such ship or vessel shall be employed in the service of either of the said belligerents.

9. Issuing or delivering a commission within the territory or jurisdiction of the United States for any ship or vessel to the intent that she may be employed as aforesaid.

10. Increasing or augmenting, or procuring to be increased or augmented, or knowingly being concerned in increasing or augmenting, the force of any ship of war, cruiser, or other armed vessel, which at the time of her arrival within the United States was a ship of war, cruiser, or

armed vessel in the service of either of the said belligerents, or belonging to the subjects of either, by adding to the number of guns of such vessels, or by changing those on board of her for guns of a larger calibre, or by the addition thereto of any equipment solely applicable to war.

11. Beginning or setting on foot or providing or preparing the means for any military expedition or enterprise to be carried on from the territory or jurisdiction of the United States against the territories or dominions of either of the said belligerents.

And I do hereby further declare and proclaim that any frequenting and use of the waters within the territorial jurisdiction of the United States by the armed vessels of a belligerent, whether public ships or privateers, for the purpose of preparing for hostile operations, or as posts of observation upon the ships of war or privateers or merchant vessels of a belligerent lying within or being about to enter the jurisdiction of the United States, must be regarded as unfriendly and offensive, and in violation of that neutrality which it is the determination of this government to observe; and to the end that the hazard and inconvenience of such apprehended practices may be avoided, I further proclaim and declare that from and after the fifth day of August instant, and during the continuance of the present hostilities between Austria-Hungary and Servia, and Germany and Russia and Germany and France, no ship of war or privateer of any belligerent shall be permitted to make use of any port, harbor, roadstead, or waters subject to the jurisdiction of the United States from which a vessel of an opposing belligerent (whether the same shall be a ship of war, a privateer, or a merchant ship) shall have previously departed, until after the expiration of at least twenty-four hours from the departure of such last-mentioned vessel beyond the jurisdiction of the United States. If any ship of war or privateer of a belligerent shall, after the time this notification takes effect, enter any port, harbor, roadstead, or waters of the United States, such vessel shall be required to depart and to put to sea within twenty-four hours after her entrance into such port harbor, roadstead, or waters, except in case of stress of weather or of her requiring provisions or things necessary for the subsistence of her crew, or for repairs; in any of which cases the authorities of the port or of the nearest port (as the case may be) shall require her to put to sea as soon as possible after the expiration of such period of twenty-four hours, without permitting her to take in supplies beyond what may be necessary for her immediate use; and no such vessel which may have been permitted to remain within the

waters of the United States for the purpose of repair shall continue within such port, harbor, roadstead, or waters for a longer period than twenty-four hours after her necessary repairs shall have been completed, unless within such twenty-four hours a vessel, whether ship of war, privateer, or merchant ship of an opposing belligerent, shall have departed therefrom, in which case the time limited for the departure of such ship of war or privateer shall be extended so far as may be necessary to secure an interval of not less than twenty-four hours between such departure and that of any ship of war, privateer, or merchant ship of an opposing belligerent which may have previously quit the same port, harbor, roadstead, or waters. No ship of war or privateer of a belligerent shall be detained in any port, harbor, roadstead, or waters of the United States more than twenty-four hours, by reason of the successive departures from such port, harbor, roadstead, or waters of more than one vessel of an opposing belligerent. But if there be several vessels of opposing belligerents in the same port, harbor, roadstead, or waters, the order of their departure therefrom shall be so arranged as to afford the opportunity of leaving alternately to the vessels of the opposing belligerents, and to cause the least detention consistent with the objects of this proclamation. No ship of war or privateer of a belligerent shall be permitted, while in any port, harbor, roadstead, or waters within the jurisdiction of the United States, to take in any supplies except provisions and such other things as may be requisite for the subsistence of her crew, and except so much coal only as may be sufficient to carry such vessel, if without any sail power, to the nearest port of her own country; or in case the vessel is rigged to go under sail, and may also be propelled by steam power, then with half the quantity of coal which she would be entitled to receive, if dependent upon steam alone, and no coal shall be again supplied to any such ship of war or privateer in the same or any other port, harbor, roadstead, or waters of the United States, without special permission, until after the expiration of three months from the time when such coal may have been last supplied to her within the waters of the United States, unless such ship of war or privateer shall, since last thus supplied, have entered a port of the government to which she belongs.

And I do further declare and proclaim that the statutes and the treaties of the United States and the law of nations alike require that no person, within the territory and jurisdiction of the United States, shall take part, directly or indirectly, in the said wars, but shall remain at peace

with all of the said belligerents, and shall maintain a strict and impartial neutrality.

And I do hereby enjoin all citizens of the United States, and all persons residing or being within the territory or jurisdiction of the United States, to observe the laws thereof, and to commit no act contrary to the provisions of the said statutes or treaties or in violation of the law of nations in that behalf.

And I do hereby warn all citizens of the United States, and all persons residing or being within its territory or jurisdiction that, while the free and full expression of sympathies in public and private is not restricted by the laws of the United States, military forces in aid of a belligerent cannot lawfully be originated or organized within its jurisdiction; and that, while all persons may lawfully and without restriction by reason of the aforesaid state of war manufacture and sell within the United States arms and munitions of war, and other articles ordinarily known as "contraband of war," yet they cannot carry such articles upon the high seas for the use or service of a belligerent, nor can they transport soldiers and officers of a belligerent, or attempt to break any blockade which may be lawfully established and maintained during the said wars without incurring the risk of hostile capture and the penalties denounced by the law of nations in that behalf.

And I do hereby give notice that all citizens of the United States and others who may claim the protection of this government, who may misconduct themselves in the premises, will do so at their peril, and that they can in no wise obtain any protection from the Government of the United States against the consequences of their misconduct.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this fourth day of August in the year of our Lord one thousand nine hundred and fourteen and of the independence of the United States of America the one hundred and thirty-ninth.

[SEAL.]

WOODROW WILSON.

By the President:

WILLIAM JENNINGS BRYAN

*Secretary of State.*



EXECUTIVE ORDER OF THE PRESIDENT OF THE UNITED STATES WITH  
REFERENCE TO RADIO COMMUNICATION

*No. 2011—August 5, 1914*

Whereas Proclamations having been issued by me declaring the neutrality of the United States of America in the wars now existing between various European nations; and

Whereas it is desirable to take precautions to insure the enforcement of said Proclamations in so far as the use of radio communication is concerned;

It is now ordered, by virtue of authority vested in me to establish regulations on the subject, that all radio stations within the jurisdiction of the United States of America are hereby prohibited from transmitting or receiving for delivery messages of an unneutral nature, and from in any way rendering to any one of the belligerents any unneutral service, during the continuance of hostilities.

The enforcement of this order is hereby delegated to the Secretary of the Navy, who is authorized and directed to take such action in the premises as to him may appear necessary.

This order to take effect from and after this date.

WOODROW WILSON.

THE WHITE HOUSE.

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EXECUTIVE ORDER OF THE PRESIDENT OF THE UNITED STATES WITH  
FURTHER REFERENCE TO RADIO COMMUNICATION

*No. 2042—September 5, 1914*

WHEREAS an order has been issued by me dated August 5, 1914 declaring that all radio stations within the jurisdiction of the United States of America were prohibited from transmitting or receiving for delivery messages of an unneutral nature and from in any way rendering to any one of the belligerents any unneutral service; and

WHEREAS it is desirable to take precautions to insure the enforcement of said order insofar as it relates to the transmission of code and

cipher messages by high-powered stations capable of trans-Atlantic communication;

NOW THEREFORE it is ordered by virtue of authority vested in me by the radio Act of August 13, 1912, that one or more of the high-powered radio stations within the jurisdiction of the United States and capable of trans-Atlantic communication shall be taken over by the Government of the United States and used or controlled by it to the exclusion of any other control or use for the purpose of carrying on communication with land stations in Europe, including code and cipher messages.

The enforcement of this order and the preparation of regulations therefor is hereby delegated to the Secretary of the Navy, who is authorized and directed to take such action in the premises as to him may appear necessary.

This order shall take effect from and after this date.

WOODROW WILSON.

THE WHITE HOUSE.

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CIRCULAR OF THE DEPARTMENT OF STATE OF THE UNITED STATES WITH  
REFERENCE TO LIABILITY FOR MILITARY SERVICE IN FOREIGN COUN-  
TRIES OF PERSONS RESIDING IN THE UNITED STATES

*Issued August 14, 1914*

The Department of State has recently received numerous inquiries from foreign-born persons residing in this country as to whether they may be compelled to perform military service in their native lands and as to what penalties, by way of fines, confiscation of property, or imprisonment in case of return, they will incur if they fail to report to the authorities of their countries of origin for military service. Some of the inquiries refer to persons who have obtained naturalization as citizens of the United States, others to persons who have made declarations of intention to become American citizens, and still others to persons who have taken no steps toward acquiring American citizenship. Misconception and confusion concerning this matter appear to be current.

The United States is not a party to any treaties under which persons of foreign origin residing in this country may be compelled to return to their countries of origin for military service, nor is there any way in which

persons may be forced into foreign armies against their will so long as they remain in the United States.

The Department can not undertake to give authentic, official information either, in general, as to the requirements of the military service laws of foreign countries and the penalties provided therein for evasion of military service, or, in particular, as to the status and present or future liabilities of individuals under such laws. Information of this kind must be obtained from officials of the foreign countries concerned.

The Department issues printed circulars concerning the status in their native lands of naturalized citizens of the United States, natives of certain European countries, and these will be furnished to interested persons upon request. It is specifically stated in these circulars that the information contained in them is not to be considered as official so far as it relates to the laws and regulations of foreign countries.

The United States has concluded treaties of naturalization with the following European countries: Austria-Hungary, Belgium, Denmark, the German States, Great Britain, Norway, and Sweden. Copies of these treaties are to be found in "Treaties, Conventions, etc., between the United States of America and Other Powers" (Government Printing Office, 1910), and separate copies may be furnished by the Department upon request. Under these treaties the naturalization of persons concerned as citizens of the United States and the termination of their former allegiance are recognized, with the reservation, in most of them, that such persons remain liable to trial and punishment in their native lands for offenses committed prior to emigration therefrom, including offenses of evasion of military duty. The United States holds that no naturalized citizen of this country can rightfully be held to account for military liability to his native land accruing subsequent to emigration therefrom, but this principle may be contested by countries with which the United States has not entered into treaties of naturalization. The latter countries may hold that naturalization of their citizens or subjects as citizens of other countries has no effect upon their original military obligation, or may deny the right of their citizens or subjects to become naturalized as citizens of other countries, in the absence of express consent or without the fulfillment of military obligations. More specific information as to the Department's understanding of the laws of these countries concerning nationality and military obligations may be found in the Department's circulars mentioned above.

It is important to observe that an alien who declares his intention to

become a citizen of the United States does not, at the time of making such declaration, renounce allegiance to his original sovereign, but merely declares that he intends to do so. Such person does not, by his declaration of intention, acquire the status of a citizen of the United States.

W. J. BRYAN.

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INSTRUCTIONS TO DIPLOMATIC AND CONSULAR OFFICERS OF THE UNITED STATES OF AMERICA ENTRUSTED WITH THE INTERESTS OF FOREIGN GOVERNMENTS AT WAR WITH THE GOVERNMENTS TO WHICH SUCH OFFICERS ARE ACCREDITED

DEPARTMENT OF STATE

*Washington, August 17, 1914.*

*To the*

*Diplomatic and Consular Officers  
of the United States of America.*

GENTLEMEN:

You are instructed, in assuming charge of the subjects or citizens and the interests of a foreign power at war with the country to which you are accredited, to bear in mind the general usages of nations in relation to the functions exercised by you upon such occasions.

In the first place it is important to recall that the care and protection of foreign interests in both peace and war is based upon the consent of both foreign governments concerned. The consent, having been freely given, may as freely be withdrawn by either, and as a consequence you must exercise the extra duties imposed upon you with candid impartiality.

In the second place, the arrangement contemplates the exercise of no official function on your part, but only the use of unofficial good offices. You are not officers of the unrepresented government. A diplomatic or consular representative of the United States can not act officially as a diplomatic or consular representative of another power, such an official relation being prohibited by the Constitution of the United States. But apart from the fact of legal disability the relations of the foreign governments concerned necessarily imply personal and unofficial action. The state of war existing between the country to which you are

accredited and the country for which you are acting, is inconsistent with the continuance of diplomatic intercourse between them. Any suggestions on the part of either country for such intercourse should be referred to the Department for its consideration. It is expected that overtures looking to the resumption of diplomatic intercourse will, if made through the medium of the United States, be addressed to this Government for transmission to the belligerent concerned.

Your position, therefore, is that of the representatives of a neutral power whose attitude toward the parties to the conflict is one of impartial amity. In your interposition in behalf of the subjects or citizens of one of the belligerents you should use every care so that it will be regarded, not as an act of partisanship, but as a friendly office performed in accordance with the wishes of both parties. You should especially avoid any action which might compromise the United States as a neutral or affect the amicable relations between it and the country to which you are accredited. While you are thus exercising these unofficial functions with impartiality and discretion, you will, nevertheless, examine all complaints, which may be laid in behalf of foreign subjects or citizens under your protection, and give to them such assistance and make such representations to the authorities of the country to which you are accredited as may seem to be appropriate in accordance with these special instructions and the standing instructions of the Department.

In conclusion the Department anticipates that in some cases questions may arise regarding your authority over the buildings and other property of the foreign mission or consulate in your charge. You are advised, therefore, that your function in this respect is merely that of a custodian of the property and archives of the unrepresented government. Any interference on the part of private persons or officials with such property should be the subject of an unofficial representation or protest to the authorities of the government which is, by the rules of international law, charged with the security of diplomatic and consular premises and archives of foreign governments. If in connection with these duties you are requested or it appears desirable as a means of protection to raise the flag of the United States over the building of a foreign mission or consulate, you will bear in mind that this should not be done except with the consent of the authorities of the government to which you are accredited, and in strict compliance with the laws of the land.

As it may be desirable to hold a foreign government, of whose interests you may be in charge, responsible for the reimbursement of expenditures, which you may make as a result of such service, you will keep accurate account of all additional expense incurred in behalf of such government, its subjects or citizens, and their interests, rendering the same to this Department, when required, with such vouchers therefor as you may be able to obtain.

I am, Gentlemen,

Your obedient servant,

W. J. BRYAN.

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AN ACT TO PROVIDE FOR THE ADMISSION OF FOREIGN-BUILT SHIPS TO  
AMERICAN REGISTRY FOR THE FOREIGN TRADE, AND FOR OTHER  
PURPOSES

*Approved, August 18, 1914*

[PUBLIC—No. 175—63D CONGRESS]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the words "not more than five years old at the time they apply for registry" in section five of the Act entitled "An Act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone," are hereby repealed.*

SEC. 2. That the President of the United States is hereby authorized, whenever in his discretion the needs of foreign commerce may require, to suspend by order, so far and for such length of time as he may deem desirable, the provisions of law prescribing that all the watch officers of vessels of the United States registered for foreign trade shall be citizens of the United States.

Under like conditions, in like manner, and to like extent the President of the United States is also hereby authorized to suspend the provisions of the law requiring survey, inspection, and measurement by officers of the United States of foreign-built vessels admitted to American registry under this Act.

SEC. 3. This Act shall take effect immediately.

CIRCULAR OF THE DEPARTMENT OF STATE OF THE UNITED STATES WITH  
REFERENCE TO THE STATUS OF ARMED MERCHANT VESSELS

*Issued September 19, 1914*

A

A merchant vessel of belligerent nationality may carry an armament and ammunition for the sole purpose of defense without acquiring the character of a ship of war.

B

The presence of an armament and ammunition on board a merchant vessel creates a presumption that the armament is for offensive purposes, but the owners or agents may overcome this presumption by evidence showing that the vessel carries armament solely for defense.

C

Evidence necessary to establish the fact that the armament is solely for defense and will not be used offensively, whether the armament be mounted or stowed below, must be presented in each case independently at an official investigation. The result of the investigation must show conclusively that the armament is not intended for, and will not be used in, offensive operations.

Indications that the armament will not be used offensively are:

1. That the caliber of the guns carried does not exceed six inches.
2. That the guns and small arms carried are few in number.
3. That no guns are mounted on the forward part of the vessel.
4. That the quantity of ammunition carried is small.
5. That the vessel is manned by its usual crew, and the officers are the same as those on board before war was declared.
6. That the vessel intends to and actually does clear for a port lying in its usual trade route, or a port indicating its purpose to continue in the same trade in which it was engaged before war was declared.
7. That the vessel takes on board fuel and supplies sufficient only to carry it to its port of destination, or the same quantity substantially which it has been accustomed to take for a voyage before war was declared.

8. That the cargo of the vessel consists of articles of commerce unsuited for the use of a ship of war in operations against an enemy.

9. That the vessel carries passengers who are as a whole unfitted to enter the military or naval service of the belligerent whose flag the vessel flies, or of any of its allies, and particularly if the passenger list includes women and children.

10. That the speed of the ship is slow.

#### D

Port authorities, on the arrival in a port of the United States of an armed vessel of belligerent nationality, claiming to be a merchant vessel, should immediately investigate and report to Washington on the foregoing indications as to the intended use of the armament, in order that it may be determined whether the evidence is sufficient to remove the presumption that the vessel is, and should be treated as, a ship of war. Clearance will not be granted until authorized from Washington, and the master will be so informed upon arrival.

#### E

The conversion of a merchant vessel into a ship of war is a question of fact which is to be established by direct or circumstantial evidence of intention to use the vessel as a ship of war.

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#### CIRCULAR OF THE DEPARTMENT OF STATE OF THE UNITED STATES WITH REFERENCE TO MERCHANT VESSELS SUSPECTED OF CARRYING SUPPLIES TO BELLIGERENT VESSELS

*Issued September 19, 1914*

1. A base of operations for belligerent warships is presumed when fuel or other supplies are furnished at an American port to such warships more than once within three months since the war began, or during the period of the war, either directly or by means of naval tenders of the belligerent or by means of merchant vessels of belligerent or neutral nationality acting as tenders.

2. A common rumor or suspicion that a merchant vessel laden with



fuel or other naval supplies intends to deliver its cargo to a belligerent warship on the high seas, when unsupported by direct or circumstantial evidence, imposes no duty on a neutral government to detain such merchant vessel even for the purpose of investigating the rumor or suspicion, unless it is known that the vessel has been previously engaged in furnishing supplies to a belligerent warship.

3. Circumstantial evidence, supporting a rumor or suspicion that a merchant vessel intends to furnish a belligerent warship with fuel or other supplies on the high seas, is sufficient to warrant detention of the vessel until its intention can be investigated in the following cases:

(a) When a belligerent warship is known to be off the port at which the merchant vessel is taking on cargo suited for naval supplies, or when there is a strong presumption that the warship is off the port.

(b) When the merchant vessel is of the nationality of the belligerent whose warship is known to be off the coast.

(c) When a merchant vessel which has on a previous voyage between ports of the United States and ports of other neutral states failed to have on board at the port of arrival a cargo consisting of naval supplies shipped at the port of departure seeks to take on board a similar cargo.

(d) When coal or other supplies are purchased by an agent of a belligerent government and shipped on board a merchant vessel which does not clear for a port of the belligerent but for a neighboring neutral port.

(e) When an agent of a belligerent is taken on board a merchant vessel having a cargo of fuel or other supplies and clearing for a neighboring neutral port.

4. The fact that a merchant vessel, which is laden with fuel or other naval supplies, seeks clearance under strong suspicion that it is the intention to furnish such fuel or supplies to a belligerent warship, is not sufficient ground to warrant its detention, if the case is isolated and neither the vessel nor the warship for which the supplies are presumably intended has previously taken on board similar supplies since the war began or within three months during the period of the war.

5. The essential idea of neutral territory becoming the base for naval operations by a belligerent is *repeated* departure from such territory by a naval tender of the belligerent or by a merchant vessel in belligerent service which is laden with fuel or other naval supplies.

6. A merchant vessel, laden with naval supplies, clearing from a port of the United States for the port of another neutral nation, which arrives at its destination and there discharges its cargo, should not be

detained if, on a second voyage, it takes on board another cargo of similar nature.

In such a case the port of the other neutral nation may be a base for the naval operations of a belligerent. If so, and even if the fact is notorious, this Government is under no obligation to prevent the shipment of naval supplies to that port. Commerce in munitions of war between neutral nations can not as a rule be a basis for a claim of unneutral conduct, even though there is a strong presumption or actual knowledge that the neutral state, in whose port the supplies are discharged, is permitting its territory to be used as a base of supply for belligerent warships. The duty of preventing an unneutral act rests entirely upon the neutral state whose territory is being used as such a base.

In fact this principle goes further in that, if the supplies were shipped directly to an established naval base in the territory or under the control of a belligerent, this Government would not be obligated by its neutral duty to limit such shipments or detain or otherwise interfere with the merchant vessels engaged in that trade. A neutral can only be charged with unneutral conduct when the supplies, furnished to a belligerent warship, are furnished directly to it in a port of the neutral or through naval tenders or merchant vessels acting as tenders departing from such port.

7. The foregoing propositions do not apply to furnishing munitions of war included in absolute contraband, since in no event can a belligerent warship take on board such munitions in neutral waters, nor should it be permitted to do so indirectly by means of naval tenders or merchant vessels acting as such tenders.

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CIRCULAR OF THE DEPARTMENT OF STATE OF THE UNITED STATES WITH  
REFERENCE TO NEUTRALITY AND TRADE IN CONTRABAND

*Issued October 15, 1914*

The Department of State has received numerous inquiries from American merchants and other persons as to whether they could sell to governments or nations at war contraband articles without violating the neutrality of the United States, and the Department has also re-

ceived complaints that sales of contraband were being made on the apparent supposition that they were unneutral acts which this Government should prevent.

In view of the number of communications of this sort which have been received it is evident that there is a widespread misapprehension among the people of this country as to the obligations of the United States as a neutral nation in relation to trade in contraband and as to the powers of the executive branch of the government over persons who engage in it. For this reason it seems advisable to make an explanatory statement on the subject for the information of the public.

In the first place it should be understood that, generally speaking, a citizen of the United States can sell to a belligerent government or its agent any article of commerce which he pleases. He is not prohibited from doing this by any rule of international law, by any treaty provisions, or by any statute of the United States. It makes no difference whether the articles sold are exclusively for war purposes, such as firearms, explosives, etc., or are foodstuffs, clothing, horses, etc., for the use of the army or navy of the belligerent.

Furthermore, a neutral government is not compelled by international law, by treaty, or by statute to prevent these sales to a belligerent. Such sales, therefore, by American citizens do not in the least affect the neutrality of the United States.

It is true that such articles as those mentioned are considered contraband and are, outside the territorial jurisdiction of a neutral nation, subject to seizure by an enemy of the purchasing government, but it is the enemy's duty to prevent the articles reaching their destination, not the duty of the nation whose citizens have sold them. If the enemy of the purchasing nation happens for the time to be unable to do this that is for him one of the misfortunes of war; the inability, however, imposes on the neutral government no obligation to prevent the sale.

Neither the President nor any executive department of the government possesses the legal authority to interfere in any way with trade between the people of this country and the territory of a belligerent. There is no act of Congress conferring such authority or prohibiting traffic of this sort with European nations, although in the case of neighboring American Republics Congress has given the President power to proclaim an embargo on arms and ammunition when in his judgment it would tend to prevent civil strife.

For the Government of the United States itself to sell to a belligerent

nation would be an unneutral act, but for a private individual to sell to a belligerent any product of the United States is neither unlawful nor unneutral, nor within the power of the Executive to prevent or control.

The foregoing remarks, however, do not apply to the outfitting or furnishing of vessels in American ports or of military expeditions on American soil in aid of a belligerent. These acts are prohibited by the neutrality laws of the United States.

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PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES OF AMERICA  
PRESCRIBING RULES AND REGULATIONS FOR THE USE OF THE PANAMA  
CANAL BY BELLIGERENT VESSELS

*No. 1287—November 13, 1914*

WHEREAS, the United States is neutral in the present war and WHEREAS the United States exercises sovereignty in the land and waters of the Canal Zone and is authorized by its treaty with Panama of February twenty-six, nineteen hundred and four, to maintain neutrality in the cities of Panama and Colon, and the harbors adjacent to the said cities:

NOW, THEREFORE, I, WOODROW WILSON, President of the United States of America, do hereby declare and proclaim the following Rules and Regulations Governing the Use of the Panama Canal by Vessels of Belligerents and the Maintenance of Neutrality by the United States in the Canal Zone, which are in addition to the general "Rules and Regulations for the Operation and Navigation of the Panama Canal and Approaches Thereto, including all Waters under its jurisdiction" <sup>1</sup> put into force by Executive Order of July 9, 1914, and I do bring to the attention of all concerned the protocol of an agreement between the United States and the Republic of Panama, signed at Washington, October 10, 1914, which protocol is hereunto annexed.

*Rule 1.* A vessel of war, for the purposes of these rules, is defined as follows: a public armed vessel, under the command of an officer duly commissioned by the government, whose name appears on the list of

<sup>1</sup> These Rules and Regulations will be printed in a later number of this Supplement, space not permitting their inclusion in the present issue.—ED.

officers of the military fleet, and the crew of which are under regular naval discipline, which vessel is qualified by its armament and the character of its personnel to take offensive action against the public or private ships of the enemy.

*Rule 2.* In order to maintain both the neutrality of the Canal and that of the United States owning and operating it as a government enterprise, the same treatment, except as hereinafter noted, as that given to vessels of war of the belligerents shall be given to every vessel, belligerent or neutral, whether armed or not, that does not fall under the definition of Rule 1, which vessel is employed by a belligerent Power as a transport or fleet auxiliary or in any other way for the direct purpose of prosecuting or aiding hostilities, whether by land or sea; but such treatment shall not be given to a vessel fitted up and used exclusively as a hospital ship.

*Rule 3.* A vessel of war of a belligerent, or a vessel falling under Rule 2 which is commanded by an officer of the military fleet, shall only be permitted to pass through the Canal after her commanding officer has given written assurance to the authorities of the Panama Canal that the Rules and Regulations will be faithfully observed.

The authorities of the Panama Canal shall take such steps as may be requisite to insure the observance of the Rules and Regulations by vessels falling under Rule 2 which are not commanded by an officer of the military fleet.

*Rule 4.* Vessels of war of a belligerent and vessels falling under Rule 2 shall not revictual nor take any stores in the Canal except so far as may be strictly necessary; and the transit of such vessels through the Canal shall be effected with the least possible delay in accordance with the Canal Regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

*Rule 5.* No vessel of war of a belligerent or vessel falling under Rule 2 shall receive fuel or lubricants while within the territorial waters of the Canal Zone, except on the written authorization of the Canal authorities, specifying the amount of fuel and lubricants which may be received.

*Rule 6.* Before issuing any authorization for the receipt of fuel and lubricants by any vessel of war of a belligerent or vessel falling under Rule 2, the Canal authorities shall obtain a written declaration, duly signed by the officer commanding such vessel, stating the amount of fuel and lubricants already on board.

*Rule 7.* Supplies will not be furnished by the Government of the United States, either directly, or indirectly through the intervention of a corporation, or otherwise, to vessels of war of a belligerent or vessels falling under Rule 2. If furnished by private contractors, or if taken from vessels under the control of a belligerent, fuel and lubricants may be taken on board vessels of war of a belligerent or vessels falling under Rule 2 only upon permission of the Canal authorities, and then only in such amounts as will enable them, with the fuel and lubricants already on board, to reach the nearest accessible port, not an enemy port, at which they can obtain supplies necessary for the continuation of the voyage. The amounts of fuel and lubricants so received will be deducted from the amounts otherwise allowed in the ports under the jurisdiction of the United States during any time within a period of three months thereafter. Provisions furnished by contractors may be supplied only upon permission of the Canal authorities, and then only in amount sufficient to bring up their supplies to the peace standard.

*Rule 8.* No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the Canal, except in case of necessity due to accidental hindrance of the transit. In such cases the Canal authorities shall be the judge of the necessity, and the transit shall be resumed with all possible dispatch.

*Rule 9.* Vessels of war of a belligerent and vessels falling under Rule 2 shall not remain in the territorial waters of the Canal Zone under the jurisdiction of the United States longer than twenty-four hours at any one time, except in case of distress; and in such case, shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within twenty-four hours from the departure of a vessel of an opposing belligerent.

The twenty-four hours of this rule shall be construed to be twenty-four hours in addition to the time necessarily occupied in passing through the Canal.

*Rule 10.* In the exercise of the exclusive right of the United States to provide for the regulation and management of the Canal, and in order to ensure that the Canal shall be kept free and open on terms of entire equality to vessels of commerce and of war, there shall not be, except by special arrangement, at any one time a greater number of vessels of war of any one nation, including those of the allies of a belligerent nation, than three in either terminal port and its adjacent terminal waters, or than three in transit through the Canal; nor shall the total number of

such vessels, at any one time, exceed six in all the territorial waters of the Canal Zone under the jurisdiction of the United States.

*Rule 11.* When vessels of war or vessels falling under Rule 2, belonging to or employed by opposing belligerents, are present simultaneously in the waters of the Canal Zone, a period of not less than twenty-four hours must elapse between the departure of the vessel belonging to or employed by one belligerent and the departure of the vessel belonging to or employed by his adversary.

The order of departure is determined by order of arrival, unless the vessel which arrived first is so circumstanced that an extension of her stay is permissible.

A vessel of war of a belligerent or vessel falling under Rule 2 may not leave the waters of the Canal Zone until twenty-four hours after the departure of a private vessel flying the flag of the adversary.

*Rule 12.* A vessel of war of a belligerent or vessel falling under Rule 2 which has left the waters of the Canal Zone, whether she has passed through the Canal or not, shall, if she returns within a period of one week after her departure, lose all privileges of precedence in departure from the Canal Zone, or in passage through the Canal, over vessels flying the flag of her adversaries which may enter those waters after her return and before the expiration of one week subsequent to her previous departure. In any such case the time of departure of a vessel which has so returned shall be fixed by the Canal authorities, who may in so doing consider the wishes of the commander of a public vessel or of the master of a private vessel of the adversary of the returned vessel, which adversary's vessel is then present within the waters of the Canal Zone.

*Rule 13.* The repair facilities and docks belonging to the United States and administered by the Canal authorities shall not be used by a vessel of war of a belligerent, or vessels falling under Rule 2, except when necessary in case of actual distress, and then only upon the order of the Canal authorities, and only to the degree necessary to render the vessel sea-worthy. Any work authorized shall be done with the least possible delay.

*Rule 14.* The radio installation of any vessel of a belligerent Power, public or private, or of any vessel falling under Rule 2, shall be used only in connection with Canal business to the exclusion of all other business while within the waters of the Canal Zone, including the waters of Colon and Panama harbors.

*Rule 15.* Air craft of a belligerent Power, public or private, are for-

bidden to descend or arise within the jurisdiction of the United States at the Canal Zone, or to pass through the air spaces above the lands and waters within said jurisdiction.

*Rule 16.* For the purpose of these rules the Canal Zone includes the cities of Panama and Colon and the harbors adjacent to the said cities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this thirteenth day of November in the year of our Lord one thousand nine hundred and fourteen and of the independence of the United States the one hundred and thirty-ninth.

WOODROW WILSON.

By the President:

W. J. BRYAN

*Secretary of State.*

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PROTOCOL OF AN AGREEMENT CONCLUDED BETWEEN HONORABLE ROBERT LANSING, ACTING SECRETARY OF STATE OF THE UNITED STATES, AND DON EUSEBIO A. MORALES, ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY OF THE REPUBLIC OF PANAMA, SIGNED THE TENTH DAY OF OCTOBER, 1914

The undersigned, the Acting Secretary of State of the United States of America and the Envoy Extraordinary and Minister Plenipotentiary of the Republic of Panama, in view of the close association of the interests of their respective governments on the Isthmus of Panama, and to the end that these interests may be conserved and that, when a state of war exists, the neutral obligations of both governments as neutrals may be maintained, after having conferred on the subject and being duly empowered by their respective governments, have agreed:

That hospitality extended in the waters of the Republic of Panama to a belligerent vessel of war or a vessel belligerent or neutral, whether armed or not, which is employed by a belligerent Power as a transport or fleet auxiliary or in any other way for the direct purpose of prosecuting or aiding hostilities, whether by land or sea, shall serve to deprive such



vessel of like hospitality in the Panama Canal Zone for a period of three months, and *vice versa*.

In testimony whereof, the undersigned have signed and sealed the present protocol in the city of Washington, this tenth day of October, 1914.

ROBERT LANSING [L. s.]

EUSEBIO A. MORALES [L. s.]

## OFFICIAL DOCUMENTS

### DIPLOMATIC CORRESPONDENCE RESPECTING THE WAR PUBLISHED BY THE FRENCH GOVERNMENT<sup>1</sup>

#### CHAPTER I

##### WARNINGS

(1913.)

No. 1.

*M. Jules Cambon, Ambassador of the Republic at Berlin, to M. Jonnart,  
Minister for Foreign Affairs*

BERLIN, March 17, 1913.

Our naval and military attachés are sending to their respective ministers reports on the new German military law. I take this opportunity of drawing the attention of your excellency to these important documents.

The consideration of the financial expedients by which Germany intends to provide for these military measures is the sole cause of the delay in the publication of the definite proposals of the government. In spite of the patriotism with which the rich classes affect to accept the sacrifices asked of them, they are none the less, particularly the business circles, dissatisfied with the financial measures which have been announced, and they feel that a compulsory levy imposed in times of peace creates a formidable precedent for the future. On the other hand, the Federal Governments have strongly opposed an innovation which grants to the Empire resources derived from direct taxation. Hitherto, taxation of this kind has been reserved to the Federal States, and the latter see in the surrender of this principle a new declaration of the corporate unity (*personnalité*) of the Empire, constituting a distinct diminution of their own sovereign power.

However this may be, in increasing the strength of the German army the Empire desires to leave nothing to chance in the event of a possible crisis.

<sup>1</sup> British Command Paper, 7717, Miscellaneous No. 15 (1914).

The German changes have produced a result unexpected by that country, viz., the proposal of the Government of the Republic to re-establish the three years' service, and the manly determination with which this proposal has been welcomed in France. The surprise occasioned by these proposals has been utilized by the Imperial Government for the purpose of insisting on the absolute necessity of an increase of German military strength; the German proposals are represented as a reply to our own. The reverse is the case, since the immense military effort which France is undertaking is but the consequence of German initiative.

The Imperial Government is constantly rousing patriotic sentiment. Every day the Emperor delights to revive memories of 1813. Yesterday evening a military tattoo went through the streets of Berlin, and speeches were delivered in which the present situation was compared to that of a hundred years ago. The trend of public opinion will find an echo in the speeches which will be delivered next month in the Reichstag, and I have reason to fear that the Chancellor himself will be forced to allude in his statements to the relations of France and Germany. It was of course to be expected that national patriotism would be worked up just when fresh sacrifices are being required, but to compare the present time to 1813 is to misuse an historical analogy. If, to-day, there is anything corresponding to the movement which a hundred years ago roused Germans to fight the man of genius who aspired to universal dominion, it is in France that such a counterpart would have to be sought, since the French nation seeks but to protect itself against the domination of force.

Nevertheless, it is true that the state of public opinion in both countries makes the situation grave.

JULES CAMBON.

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ENCLOSURE I

*Report of Lieutenant-Colonel Serret, Military Attaché to the Embassy of the French Republic at Berlin, to M. Étienne, Minister of War*

BERLIN, March 15, 1913.

The patriotic movement which has manifested itself in France has caused real anger in certain circles.

I do not, indeed, mean to say that the virulent article in the *Kölnische*

*Zeitung* is the expression of prevalent opinion. It is rather the angry outburst of an impulsive journalist, which has been immediately disavowed by the government.

However, in spite of its want of good manners the article in the *Kölnische Zeitung* cannot be disregarded; several important newspapers have approved of its substance, if not of its form, and it appears to express a real feeling, a latent anger.

It is interesting to note this fact, because it throws very vivid light on the meaning of the present armaments.

For some time now it has been quite a common thing to meet people who declare that the military plans of France are extraordinary and unjustified. In a drawing room a member of the Reichstag who is not a fanatic, speaking of the three years' service in France, went so far as to say, "It is a provocation; we will not allow it." More moderate persons, military and civil, glibly voice the opinion that France with her forty million inhabitants has no right to compete in this way with Germany.

To sum up, people are angry, and this anger is not caused by the shrieking of certain French papers, to which sober-minded people pay little attention. It is a case of vexation. People are angry at realizing that in spite of the enormous effort made last year, continued and even increased this year, it will probably not be possible this time to outrun France completely.

To outdistance us, since we neither will nor can be allied with her, is Germany's real aim. I cannot insist too much on the fact that the impending legislation, which French public opinion is too apt to consider as a spontaneous outburst, is but the inevitable and expected consequence of the law of June, 1912.

This law, while creating two new army corps, had deliberately, according to German fashion, left regiments and other large units incomplete. It was evident that there would be no long delay in filling in the gaps.<sup>1</sup> The Balkan crisis, coming just at the right moment, furnished a wonderful opportunity for exploiting the centenary of the War of Liberation, and obtaining with greater ease sacrifices through the memory of those made in days gone by, and that too at a time when Germany was opposed to France.

<sup>1</sup> The problem which is set us to-day would, therefore, only be set again a few years later, and in a much more acute fashion, since the decrease of our contingents is continually lowering the number of our effectives on a peace footing.

In order to show clearly the genesis of this military programme, I beg to recall what was written by my predecessor Colonel Pellé a year ago, when the law of 1912 was published:

We are discovering every day how deep and lasting are the feelings of injured pride and revenge provoked against us by the events of last year.

The treaty of the 4th November, 1911 has proved a complete disillusion.

The feeling is the same in all parties. All Germans, even the Socialists, bear us a grudge for having taken away their share in Morocco.

It seemed, a year or so ago, as if the Germans had set out to conquer the world. They considered themselves so strong that no one would dare to oppose them. Limitless possibilities were opening out for German manufactures, German trade, German expansion.

Needless to say, these ideas and ambitions have not disappeared to-day. Germany always requires outlets for commercial and colonial expansion. They consider that they are entitled to them, because their population is increasing every day, because the future belongs to them. They consider us, with our forty million inhabitants, as a second rate Power.

In the crisis of 1911, however, this second rate Power successfully withstood them, and the Emperor and the government gave way. Public opinion has forgiven neither them nor us. *People are determined that such a thing shall never happen again.*

And at the moment when the second and formidable part of the programme is about to be realized, when German military strength is on the point of acquiring that final superiority which, should the occasion arise, would force us to submit to humiliation or destruction, France suddenly refuses to abdicate, and shows, as Renan said, "her eternal power of renaissance and resurrection." The disgust of Germany can well be understood.

Of course the government points to the general situation in Europe and speaks of the "Slav Peril." As far as I can see, however, public opinion really seems indifferent to this "peril," and yet it has accepted with a good grace, if not with welcome, the enormous burdens of these two successive laws.

On the 10th March last, being the centenary of the *levée en masse* of Germany against France, in spite of a downpour of rain, a huge crowd surged to the military parade in front of the Schloss, in the middle of the Tiergarten, in front of the statues of Queen Louise and Frederick William III, which were surrounded by heaps of flowers.

These anniversaries, recalling as they do the fight with France, will be repeated the whole year through. In 1914 there will be a centenary of the first campaign in France, the first entry of the Prussians into Paris.

To sum up, if public opinion does not actually point at France, as does the *Kölnische Zeitung*, we are in fact, and shall long remain the nation aimed at. Germany considers that for our forty millions of inhabitants our place in the sun is really too large.

Germans wish for peace—so they keep on proclaiming, and the Emperor more than anyone—but they do not understand peace as involving either mutual concessions or a balance of armaments. They want to be feared and they are at present engaged in making the necessary sacrifices. If on some occasions their national vanity is wounded, the confidence which the country will feel in the enormous superiority of its army will be favorable to an explosion of national anger, in the face of which the moderation of the Imperial Government will perhaps be powerless.

It must be emphasized again that the government is doing everything to increase patriotic sentiment by celebrating with éclat all the various anniversaries of 1813.

The trend of public opinion would result in giving a war a more or less national character. By whatever pretext Germany should justify the European conflagration, nothing can prevent the first decisive blows being struck at France.

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#### ENCLOSURE II

*M. de Faramond, Naval Attaché to the French Embassy at Berlin, to  
M. Baudin, Minister of Marine*

BERLIN, March 15, 1913.

In reporting on the examination of the naval budget by the Financial Committee of the Reichstag, I said that no naval law would be introduced this year having as its object an increase of the fleet, and that the whole of the military effort would be directed against us.

Although the new bill, having for its object the increase of the German effectives, has not yet been presented to the Reichstag, we know that it deals with "an increase of military strength of immense scope" to use the expression of the *Norddeutsche Allgemeine Zeitung*.

The official newspapers have also referred to the military proposal in terms which enable us to consider the communiqué of the *Lokal Anzeiger* as accurate.

The German effectives reach at the present moment 720,000 men. We are, therefore, entitled to conclude that on the 1st October 1914, the Imperial army will be raised to a figure not far removed from 860,000.

The importance of this figure would not be so great if the provisions of the proposed legislation (as far as one can gather from the official newspapers) did not tend, as, in fact, those of the law of 1912 tend, to place the army corps nearest to our frontier in a state which most nearly approaches a war footing, in order to be able on the very day of the outbreak of hostilities, to attack us suddenly with forces very much stronger than our own. It is absolutely imperative for the Imperial Government to obtain success at the very outset of the operations.

The conditions under which the German Emperor would nowadays commence a campaign against France are not those of forty years ago. At the commencement of the war at 1870 the Prussian General Staff had considered the possibility of a victorious French offensive, and Moltke, seeing that we might conceivably get as far as Mayence, remarked to his sovereign, "There they will come to a stop." William II cannot allow a retreat to enter into his calculations, although the German soldier is no longer to-day what he was forty years ago, a plain religious man, ready to die at the order of his king. When it is remembered that at the last elections 4,000,000 votes were cast by the Socialists and that the franchise is only obtained in Germany at the age of 25, it may be presumed that the active army, composed of young men from 20 to 25, must contain in its ranks a considerable proportion of Socialists.

It would indeed be foolish to think that the German Socialists will throw down their rifles on the day when France and Germany come to blows; but it will be very important that the Imperial Government should persuade them that on the one hand we are the aggressors, and on the other that they can have entire confidence in the direction of the campaign and its result final.

On the last occasion when the recruits for the Guard took the oath at Potsdam I was struck to hear the Emperor take as a theme for his address to the young soldiers "the duty of being braver and more disciplined in adversity than in success."

And it is because a German defeat at the outset would have such an incalculable effect on the Empire, that we find in all the plans worked out by the General Staff proposals for a crushing offensive movement against France.

In reality the Imperial Government wishes to be in a position to

meet all possible eventualities. It is from the direction of France that the danger seems to them greatest. The *Kölnische Zeitung* has said as much in an article both spiteful and violent, the form rather than the substance of which has been disavowed by the Wilhelmstrasse.

But we must be willing to realize that the opinion expressed by the *Kölnische Zeitung* is at the present moment that of the immense majority of the German people.

In this connection I think it is interesting to quote a conversation which a member of our embassy had the other evening with the old Prince Henckel von Donnersmarck, as it may serve to reflect the opinions which dominate court circles.

Referring to the new German military proposals Prince Donnersmarck spoke as follows:

French people are quite wrong in thinking that we harbor evil designs and want war. But we cannot forget that in 1870 popular opinion forced the French Government to make a foolish attack on us before they were ready. Who can assure us that public opinion, which in France is so easily inflamed, will not force the government to declare war? It is against this danger that we wish to protect ourselves.

And the Prince added:

I have even been considered in France as one of those responsible for the war of 1870. That is quite false. Even if I took part in the war after it had begun, I did my utmost to prevent its outbreak. A short time before the war, happening to be at a dinner where there were some of the most important personages of the Imperial Government, I expressed my regret at the hostile sentiments which were already becoming manifest between France and Prussia. The answer was that, if I spoke like that, it was because I was afraid of a struggle in which the issue would certainly be unfavorable to Prussia. I replied, "No, it is not because I am afraid, that I repudiate the idea of war between France and Prussia, but rather because I think that it is in the interest of both countries to avoid war. And since you have referred to the possible result of such a struggle I will give you my opinion. I am convinced that you will be beaten and for this reason. In spite of the brilliant qualities which I recognize are possessed by the French and which I admire, you are not sufficiently accurate; by accuracy I do not mean arriving in time at a meeting, but I mean punctuality in the whole sense of the word. Frenchmen, who have a great facility for work, are not as punctual as Germans in the fulfilment of their duty. In the coming war that nation will be victorious whose servants from the top of the ladder to the bottom will do their duty with absolute exactitude, however important or small it may be."

And Prince Donnersmarck added:

An exactitude which played so great a rôle forty years in ago moving an army of



500,000 men will have a far greater importance in the next war, when it will be a question of moving masses far more numerous.

In this way the old Prince gave expression to the confidence shared by all Germans in the superiority of their military organization.

When I spoke above of the new German proposal I only alluded to increased effectives. But the proposal will include also an increase of material and of defence works, the details of which are not known, but some idea of which may be gained by the figure estimated to be necessary to meet the expenses, viz., 1,250,000,000 francs.

The carrying into effect of the law of the quinquennium of 1911 did not necessitate any special financial measures.

The military and naval law of 1912 had been provisionally covered by the budget surplus of the years 1910 and 1911, by the reform of the law with regard to alcohol and by delaying the reduction of the tax on sugar. (These last two resources only represent together the sum of 60,000,000 francs.)

It must be also remembered that large loans have recently been raised by the Empire and Prussia: 500,000,000 marks on the 29th January 1912, and 350,000,000 marks on the 7th March 1913. Quite an important part of these loans must have been applied to military expenses.

The military law of 1913 will require quite exceptional financial measures.

According to the indications given by the semi-official press, the "non-recurring" expenditure will amount to a milliard marks, while the "permanent" annual expenditure resulting from the increase of effectives will exceed 200,000,000 marks.

It seems certain that the "non-recurring" expenditure will be covered by a war contribution levied on capital. Small fortunes would be exempted and those above 20,000 marks would be subject to a progressive tax. Presented in this guise the war tax would not be objected to by the Socialists, who will be able, in accordance with their usual tactics, to reject the principle of the military law and at the same time to pass the votes which assure its being carried into effect.

The government are afraid that among the rich and bourgeois classes this extraordinary tax of a milliard levied exclusively on acquired capital will cause permanent discontent. Accordingly they are doing everything in their power to persuade those on whom so heavy an exaction is to be levied that the security of the Empire is threatened, establishing

for the purpose an analogy between the warlike times of 1813 and the present day.

By noisy celebrations of the centenary of the War of Independence it is desired to convince people of the necessity of sacrifice, and to remind them that France is to-day, as 100 years ago, their hereditary enemy.

If it is established that the German Government are doing their utmost to secure that the payment of this enormous tax should be made in full, and not by way of instalment, and if, as some of the newspapers say, the whole payment is to be complete before 1st July 1914, these facts have a formidable significance for us, for nothing can explain such haste on the part of the military authorities to obtain war treasure in cash to the amount of a milliard.

With regard to the manner in which the permanent expenditure resulting from the application of the laws of 1912 to 1913 is to be met, nothing has yet been said. Further legislation will certainly be necessary in order that the required annual amounts may be forthcoming.

To sum up: In Germany the execution of military reforms always follows very closely the decision to carry them out. All the provisions made by the law of the quinquennium of 1911 and by the law of 1912 have already been put into operation. It is quite possible that part of the material, the purchase of which will be authorized by the new law, is already in course of manufacture. Military secrets are so well kept here that it is extremely difficult to follow the changes in *personnel* and *matériel*.

With 700,000 men under arms (without counting the very large number of reservists who are at the present time in training), a perfect military organization and a public opinion which can be swayed by the warlike appeals of the Military and Naval Leagues, the German people is at the present moment a very dangerous neighbor.

If the three years' service is adopted and immediately applied in France, the conditions will be less unequal next year. The German effectives will still be considerably more numerous than ours, but the call to the colors of all available contingents will no longer allow any selection, and will bring into the ranks of the German army elements of inferior quality and even some undesirable individuals. The morale of the active army will deteriorate.

Germany has wished to upset the equilibrium of the two camps which divide Europe by a supreme effort beyond which they can do little more.

They did not think that France was capable of a great sacrifice. Our adoption of the three years' service will upset their calculations.

FARAMOND.

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No. 2.

*M. Étienne, Minister of War, to M. Jonhart, Minister for Foreign Affairs*

PARIS, April 2, 1913.

I have just received from a reliable source an official secret report concerning the strengthening of the German army. The report is divided into two parts; the first consisting of general statements, the second dealing with technicalities and describing in the greatest detail, for each branch of the service, the measures to be adopted. Especially striking are the instructions with regard to the employment of motor-traction and the utilization of aircraft.

I have the honor to enclose a copy of the first part of this document, which seems to merit your attention.

ÉTIENNE.

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ENCLOSURE

*Memorandum on the strengthening of the German Army*

BERLIN, March 19, 1913.

I.—GENERAL MEMORANDUM ON THE NEW MILITARY LAWS

The increase has taken place in three stages:—

(1) The Conference of Algeciras has removed the last doubt with regard to the existence of an *Entente* between France, England, and Russia. Moreover we have seen that Austria-Hungary was obliged to keep some of her forces mobilized against Serbia and Italy; finally our fleet was not at that time sufficiently strong. At the end of the dispute the first matter taken in hand was the strengthening of our coast defences and the increase of our naval forces. To meet the English plan of sending an expeditionary force of 100,000 men to the Continent, it would be necessary to make a better formation of reserves to be used

according to circumstances in the protection of the coast, in fortresses and in siege operations. It was already clear at that time that it would be absolutely necessary to make a great effort.

(2) The French having violated the Morocco Conventions brought on the incident of Agadir. At that time the progress made by the French army, the moral recovery of the nation, the technical advance in the realm of aviation and of machine guns rendered an attack on France less easy than in the previous period. Further, an attack by the English fleet had to be considered. This difficult situation opened our eyes to the necessity for an increase in the army. This increase was from this moment considered as a minimum.

(3) The war in the Balkans might have involved us in a war in support of our ally. The new situation in the south of Austria-Hungary lessened the value of the help which this ally could give us. On the other hand, France was strengthened by a new *loi des cadres*; it was accordingly necessary to anticipate the date of execution contemplated by the new military law.

Public opinion is being prepared for a new increase in the active army, which would ensure Germany an honorable peace and the possibility of properly ensuring her influence in the affairs of the world. The new army law and the supplementary law which should follow will enable her almost completely to attain this end.

Neither ridiculous shriekings for revenge by French chauvinists, nor the Englishmen's gnashing of teeth, nor the wild gestures of the Slavs will turn us from our aim of protecting and extending *Deutschtum* (German influence) all the world over.

The French may arm as much as they wish, they cannot in one day increase their population. The employment of an army of negroes in the theatre of European operations will remain for a long time a dream, and in any case be devoid of beauty.

## II.—AIM AND OBLIGATIONS OF OUR NATIONAL POLICY, OF OUR ARMY, AND OF THE SPECIAL ORGANIZATIONS FOR ARMY PURPOSES

Our new army law is only an extension of the military education of the German nation. Our ancestors of 1813 made greater sacrifices. It is our sacred duty to sharpen the sword that has been put into our hands and to hold it ready for defence as well as for offence. *We must allow the idea to sink into the minds of our people that our armaments are*

*an answer to the armaments and policy of the French.* We must accustom them to think that an offensive war on our part is a necessity, in order to combat the provocations of our adversaries. We must act with prudence so as not to arouse suspicion, and to avoid the crises which might injure our economic existence. We must so manage matters that under the heavy weight of powerful armaments, considerable sacrifices, and strained political relations, an outbreak (*Losschlagen*) should be considered as a relief, because after it would come decades of peace and prosperity, as after 1870. We must prepare for war from the financial point of view; there is much to be done in this direction. We must not arouse the distrust of our financiers, but there are many things which cannot be concealed.

We must not be anxious about the fate of our colonies. The final result in Europe will settle their position. On the other hand we must stir up trouble in the north of Africa and in Russia. It is a means of keeping the forces of the enemy engaged. It is, therefore, absolutely necessary that we should open up relations, by means of well-chosen organizations, with influential people in Egypt, Tunis, Algeria, and Morocco, in order to prepare the measures which would be necessary in the case of a European war. Of course in case of war we should openly recognize these secret allies; and on the conclusion of peace we should secure to them the advantages which they had gained. These aims are capable of realization. The first attempt which was made some years ago opened up for us the desired relations. Unfortunately these relations were not sufficiently consolidated. Whether we like it or not it will be necessary to resort to preparations of this kind, in order to bring a campaign rapidly to a conclusion.

Risings provoked in time of war by political agents need to be carefully prepared and by material means. They must break out simultaneously with the destruction of the means of communication; they must have a controlling head to be found among the influential leaders, religious or political. The Egyptian School is particularly suited to this purpose; more and more it serves as a bond between the intellectuals of the Mohammedan world.

However this may be, we must be strong in order to annihilate at one powerful swoop our enemies in the east and west. But in the next European war it will also be necessary that the small states should be forced to follow us or be subdued. In certain conditions their armies and their strong positions can be rapidly conquered or neutralized; this

would probably be the case with Belgium and Holland, so as to prevent our enemy in the west from gaining territory which they could use as a base of operations against our flank. In the north we have nothing to fear from Denmark or Scandinavia, especially as in any event we shall provide for the concentration of a strong northern army, capable of replying to any menace from this direction. In the most unfavorable case, Denmark might be forced by England to abandon her neutrality; but by this time the decision would already have been reached both on land and on sea. Our northern army, the strength of which could be largely increased by Dutch formations, would oppose a very active defence to any offensive measures from this quarter.

In the south, Switzerland forms an extremely solid bulwark, and we can rely on her energetically defending her neutrality against France, and thus protecting our flank.

As was stated above, the situation with regard to the small states on our north-western frontier cannot be viewed in quite the same light. This will be a vital question for us, and our aim must be to take the offensive with a large superiority from the first days. For this purpose it will be necessary to concentrate a large army, followed up by strong Landwehr formations, which will induce the small states to follow us or at least to remain inactive in the theatre of operations, and which would crush them in the event of armed resistance. If we could induce these states to organize their system of fortification in such a manner as to constitute an effective protection for our flank we could abandon the proposed invasion. But for this, army reorganization, particularly in Belgium, would be necessary in order that it might really guarantee an effective resistance. If, on the contrary, their defensive organization was established against us, thus giving definite advantages to our adversary in the west, we could in no circumstances offer Belgium a guarantee for the security of her neutrality. Accordingly, a vast field is open to our diplomacy to work in this country on the lines of our interests.

The arrangements made with this end in view allow us to hope that it will be possible to take the offensive immediately after the complete concentration of the army of the Lower Rhine. An ultimatum with a short time-limit, to be followed immediately by invasion, would allow a sufficient justification for our action in international law.

Such are the duties which devolve on our army and which demand a striking force of considerable numbers. If the enemy attacks us, or if we wish to overcome him, we will act as our brothers did a hundred years

ago; the eagle thus provoked will soar in his flight, will seize the enemy in his steel claws and render him harmless. We will then remember that the provinces of the ancient German Empire, the County of Burgundy and a large part of Lorraine, are still in the hands of the French; that thousands of brother Germans in the Baltic provinces are groaning under the Slav yoke. It is a national question of restoring to Germany her former possessions.

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No. 3.

*M. Jules Cambon, French Ambassador at Berlin to M. Stéphen Pichon,  
Minister for Foreign Affairs*

BERLIN, May 6, 1913.

I was talking this evening to the Secretary of State about the conference of ambassadors and the results obtained at the meeting in London yesterday. The crisis with which Europe was threatened is in his opinion over, but only temporarily. "It seems to me," said Herr von Jagow, "that we are travelling in a mountainous district. We have just reached a difficult pass and we see other heights rising in front of us." "The height which we have just surmounted," I replied, "was, perhaps, the most difficult to cross."

The crisis which we have just gone through has been very serious. Here the danger of war has been considered imminent. I have proof of the anxiety of the German Government by a number of facts which it is important that your excellency should know.

I received yesterday a visit from one of my colleagues with whom I maintain special and cordial relations. On the occasion of the visit he paid to Herr von Jagow, the latter asked my colleague confidentially what was exactly the situation of Russia in the Far East, and whether this Power had at the present time any cause for fear which might necessitate the retention of its troops in that quarter. The ambassador answered him that he knew of nothing, absolutely nothing, which could be a cause of preoccupation for the Russian Government, and that the latter have their hands free in Europe.

I said above that the danger of war had been regarded here as extremely near. The government have not been satisfied with investigating the position in the Far East; preparations have even been made here.

The mobilization of the German army is not restricted to the recall of reservists to their barracks. There is in Germany a preliminary measure which we have not got, and which consists in warning officers and men of the reserve to hold themselves ready for the call, in order that they may make the necessary arrangements. It is a general call to "attention," and it requires an incredible spirit of submission, discipline, and secrecy such as exists in this country, to make a step of this kind possible. If such a warning were given in France, a thrill would run through the whole country, and it would be in the papers the next day.

This warning was given in 1911 during the negotiations which I was carrying on with regard to Morocco.

Now it has been given again about ten days ago—that is to say, at the moment of the Austro-Albanian tension. I know that this is so, and I have it from several different sources, notably from officers of the reserve who have told it to their friends in the strictest confidence. These gentlemen have taken the necessary measures to put aside in a safe the means of existence for their families for a year. It has even been said that it was for this reason that the Crown Prince, who was to make the trial trip on the "Imperator," did not embark.

The decision which occasioned this preliminary mobilization order is quite in keeping with the ideas of the General Staff. On this point I have been informed of some remarks made in a German *milieu* by General von Moltke, who is considered here as the most distinguished officer of the German army.

The intention of the General Staff is to act by surprise. "We must put on one side," said General von Moltke, "all commonplaces as to the responsibility of the aggressor. When war has become necessary it is essential to carry it on in such a way as to place all the chances in one's own favor. Success alone justifies war. Germany cannot and ought not to leave Russia time to mobilize, for she would then be obliged to maintain on her eastern frontier so large an army that she would be placed in a position of equality, if not of inferiority, to that of France. Accordingly," added the general, "we must anticipate our principal adversary as soon as there are nine chances to one of going to war, and begin it without delay in order ruthlessly to crush all resistance."

This represents exactly the attitude of military circles and it corresponds to that of political circles; the latter, however, do not consider Russia, in contradistinction to us, as a necessary enemy.



This is what was being thought and said privately a fortnight ago.

From these events the following conclusions may be drawn which comprise the facts stated above; these people are not afraid of war, they fully accept its possibility and they have consequently taken the necessary steps. *They wish to be always ready.*

As I said, this demands qualities of secrecy, discipline and of persistence; enthusiasm alone is not sufficient. This lesson may form a useful subject of mediation when the Government of the Republic ask Parliament for the means of strengthening the defences of the country.

JULES CAMBON.

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No. 4.

*M. Allizé, Minister of the Republic in Bavaria, to M. Stéphen Pichon, Minister for Foreign Affairs*

MUNICH, July 10, 1913.

From a political point of view people are asking what is the object of the new armaments. Recognizing that no one threatens Germany, they consider that German diplomacy had already at its disposal forces sufficiently large and alliances sufficiently powerful to protect German interests with success. As I pointed out the day after the Morocco agreement of 1911, it is thought that the Imperial Chancery will be as incapable in the future as in the past, of adopting an active foreign policy and of achieving, at least in this sphere, successes which would justify the burdens which the nation has assumed.

This frame of mind is all the more a cause of anxiety as the Imperial Government would find themselves supported by public opinion in any enterprise on which they might energetically embark, even at the risk of a conflict. The state of war to which all the events in the East have accustomed people's minds for the last two years appears no longer like some distant catastrophe, but as a solution of the political and economic difficulties which will continue to increase.

May the example of Bulgaria exercise a salutary influence on Germany. As the Prince Regent recently said to me, "The fortune of war is always uncertain; every war is an adventure, and the man is a fool who risks it believing himself sure of victory."

ALLIZÉ.

## No. 5.

*Report to M. Stéphen Pichon, Minister for Foreign Affairs (on public opinion in Germany according to the reports of the Diplomatic and Consular Agents)*

PARIS, July 30, 1913.

From observations which our agents in Germany have been able to collect from persons having access to the most diverse circles, it is possible to draw the conclusion that two feelings sway and irritate men's minds:

- (1) The treaty of the 4th November 1912 is considered a disappointment for Germany;
- (2) France—a new France—undreamed of prior to the summer of 1911 is considered to be a warlike country, and to want war.

Members of all the parties in the Reichstag, from the Conservatives to the Socialists, representing the most different districts of Germany, university people from Berlin, Halle, Jena, and Marburg, students, elementary school teachers, commercial clerks, bank clerks, bankers, artisans, merchants, manufacturers, doctors, lawyers, editors of Democratic and Socialistic newspapers, Jewish publicists, members of trade unions, clergymen and shopkeepers from the Mark of Brandenburg, country squires from Pomerania and shoemakers from Stettin celebrating the 505th anniversary of their association, country gentlemen, officials, priests, and large farmers from Westphalia, are unanimous on these two points, with very slight differences corresponding to their position in society or their political party. Here is a synthesis of all these opinions:

The treaty of the 4th November is a diplomatic defeat, a proof of the incapacity of German diplomacy and the carelessness of the government (so often denounced), a proof that the future of the Empire is not safe without a new Bismarck; it is a national humiliation, a lowering in the eyes of Europe, a blow to German prestige, all the more serious because up to 1911 the military supremacy of Germany was unchallenged, and French anarchy and the powerlessness of the Republic were a sort of German dogma.

In July 1911, the "Coup of Agadir" made the Morocco question for the first time a national question affecting the life and expansion of the Empire. The revelations and the press campaign which followed, have sufficiently proved how the campaign has been organized, what Pan-

German greed it had awakened, and what hatred it had left behind. If the Emperor was discussed, the Chancellor unpopular, Herr von Kiderlen was the best-hated man in Germany last winter. However, he begins to be merely thought little of, for he allows it to be known that he will have his revenge.

Thus, during the summer of 1911, German public opinion became restive when confronted with French opinion with regard to Morocco. And the attitude of France, her calmness, her re-born spiritual unity; her resolution to make good her rights right up to the end, the fact that she has the audacity not to be afraid of war, these things are the most persistent and the gravest cause of anxiety and bad temper on the part of German public opinion.

Why then did not Germany go to war during the summer of 1911, since public opinion although not so unanimous and determined as French public opinion, was certainly favorable? Apart from the pacific disposition of the Emperor and the Chancellor, military and financial reasons made themselves felt.

But these events of 1911 have caused a profound disillusionment in Germany. A new France united, determined, resolved not to be intimidated any longer, has emerged from the shroud in which she had been seen burying herself for the last ten years. Public opinion in Germany, from December to May, from the columns of the press of all parties, which reproached the Imperial Government for their incapacity and cowardice has discovered with surprise mingled with irritation that the country conquered in 1870 had never ceased since then to carry on war, to float her flag and maintain the prestige of her arms in Asia and Africa, and to conquer vast territories; that Germany on the other hand had lived on her reputation, that Turkey is the only country in which during the reign of William II she had made moral conquests, and these were now compromised by the disgrace of the Morocco solution. Each time that France made a colonial conquest this consolation was offered: "Yes, but that does not prevent the decadence, anarchy, and dismemberment of France at home."

The public were mistaken and public opinion was misled.

Given this German public opinion that considers France as longing for war, what can be augured for the future as regards the possibility and proximity of war?

German public opinion is divided into two currents on the question of the possibility and proximity of war.

There are in the country forces making for peace, but they are unorganized and have no popular leaders. They consider that war would be a social misfortune for Germany, and that caste pride, Prussian domination, and the manufacturers of guns and armor plate would get the greatest benefit, but above all that war would profit England.

The forces consist of the following elements:

The bulk of the workmen, artisans and peasants, who are peace-loving by instinct.

Those members of the nobility detached from military interests and engaged in business, such as the *grands seigneurs* of Silesia and a few other personages very influential at court, who are sufficiently enlightened to realize the disastrous political and social consequences of war, even if successful.

Numerous manufacturers, merchants and financiers in a moderate way of business, to whom war, even if successful, would mean bankruptcy, because their enterprises depend on credit, and are chiefly supported by foreign capital.

Poles, inhabitants of Alsace-Lorraine, and Schleswig-Holstein—conquered, but not assimilated and sullenly hostile to Prussian policy. There are about 7,000,000 of these annexed Germans.

Finally, the governments and the governing classes in the large southern states—Saxony, Bavaria, Wurtemberg, and the Grand Duchy of Baden—are divided by these two opinions:—an unsuccessful war would compromise the Federation from which they have derived great economic advantages; a successful war would only profit Prussia and Prussianization, against which they have difficulty in defending their political independence and administrative autonomy.

These classes of people either consciously or instinctively prefer peace to war; but they are only a sort of makeweight in political matters, with limited influence on public opinion, or they are silent social forces, passive and defenceless against the infection of a wave of warlike feeling.

An example will make this idea clear: The 110 Socialist members of the Reichstag are in favor of peace. They would be unable to prevent war, for war does not depend upon a vote of the Reichstag, and in the presence of such an eventuality the greater part of their number would join the rest of the country in a chorus of angry excitement and enthusiasm.

Finally, it must be observed that these supporters of peace believe in war in the mass because they do not see any other solution for the pres-

ent situation. In certain contracts, especially in publishers' contracts, a clause has been introduced cancelling the contract in the case of war. They hope, however, that the will of the Emperor on the one side, France's difficulties in Morocco on the other, will be for some time a guarantee of peace. Be that as it may, their pessimism gives free play to those who favor war.

People sometimes speak of a military party in Germany. The expression is inaccurate, even if it is intended to convey the idea that Germany is the country where military power is supreme, as it is said of France that it is the country where the civil power is supreme. There exists a state of mind which is more worthy of attention than this historical fact, because it constitutes a danger more evident and more recent. There is a war party, with leaders, and followers, a press either convinced or subsidized for the purpose of creating public opinion; it has means both varied and formidable for the intimidation of the government. It goes to work in the country with clear ideas, burning aspirations, and a determination that is at once thrilling and fixed.

Those in favor of war are divided into several categories; each of these derives from its social caste, its class, its intellectual and moral education, its interests, its hates, special arguments which create a general attitude of mind and increase the strength and rapidity of the stream of warlike desire.

Some want war because in the present circumstances they think it is *inevitable*. And, as far as Germany is concerned, the sooner the better.

Others regard war as necessary for economic reasons based on over-population, over-production, the need for markets and outlets; or for social reasons, *i. e.*, to provide the outside interests that alone can prevent or retard the rise to power of the democratic and socialist masses.

Others, uneasy for the safety of the Empire, and believing that time is on the side of France, think that events should be brought to an immediate head. It is not unusual to meet, in the course of conversation or in the pages of patriotic pamphlets, the vague but deeply rooted conviction that a free Germany and a regenerated France are two historical facts mutually incompatible.

Others are bellicose from "Bismarckism" as it may be termed. They feel themselves humiliated at having to enter into discussions with France, at being obliged to talk in terms of law and right in negotiations and conferences where they have not always found it easy to get right on their side, even when they have a preponderating force. From their

still recent past they derive a sense of pride ever fed by personal memories of former exploits, by oral traditions, and by books, and irritated by the events of recent years. Angry disappointment is the unifying force of the *Wehrvereine*, and other associations of Young Germany.

Others again want war from a mystic hatred of revolutionary France; others finally from a feeling of rancor. These last are the people who heap up pretexts for war.

Coming to actual facts, these feelings take concrete form as follows: The country squires represented in the Reichstag by the Conservative party want at all costs to escape the death duties, which are bound to come if peace continues. In the last sitting of the session which has just closed, the Reichstag agreed to these duties in principle. It is a serious attack on the interests and privileges of the landed gentry. On the other hand this aristocracy is military in character, and it is instructive to compare the Army List with the year book of the nobility. War alone can prolong its prestige and support its family interest. During the discussions on the Army Bill, a Conservative speaker put forward the need for promotion among officers as an argument in its favor. Finally, this social class which forms a hierarchy with the King of Prussia as its supreme head, realizes with dread the democratization of Germany and the increasing power of the Socialist party, and considers its own days numbered. Not only does a formidable movement hostile to agrarian protection threaten its material interests, but in addition, the number of its political representatives decreases with each legislative period. In the Reichstag of 1878, out of 397 members, 162 belonged to the aristocracy; in 1898, 83; in 1912, 57. Out of this number 27 alone belong to the Right, 14 to the Centre, 7 to the Left, and one sits among the Socialists.

The higher bourgeoisie, represented by the National Liberal Party, the party of the contented spirits, have not the same reasons as the squires for wanting war. With a few exceptions, however, they are bellicose. They have their reasons, social in character.

The higher bourgeoisie is no less troubled than the aristocracy at the democratization of Germany. In 1871 they had 125 members in the Reichstag; in 1874, 155; in 1887, 99; in 1912, 45. They do not forget that in the years succeeding the war they played the leading rôle in Parliament, helping Bismarck in his schemes against the country squires. Uneasily balanced to-day between Conservative instincts and Liberal ideas, they look to war to settle problems which their parliamentary

representatives are painfully incapable of solving.\* In addition, doctrinaire manufacturers declare that the difficulties between themselves and their workmen originate in France, the home of revolutionary ideas of freedom—without France industrial unrest would be unknown.

Lastly, there are the manufacturers of guns and armor plate, big merchants who demand bigger markets, bankers who are speculating on the coming of the golden age and the next war indemnity—all these regard war as good business.

Amongst the "Bismarckians" must be reckoned officials of all kinds, represented fairly closely in the Reichstag by the Free Conservatives or Imperial Party. This is the party of the "pensioned," whose impetuous sentiments are poured out in the *Post*. They find disciples and political sympathizers in the various groups of young men whose minds have been trained and formed in the public schools and universities.

The universities, if we except a few distinguished spirits, develop a warlike philosophy. Economists demonstrate by statistics Germany's need for a colonial and commercial empire commensurate with the industrial output of the Empire. There are sociological fanatics who go even further. The armed peace, so they say, is a crushing burden on the nations, it checks improvement in the lot of the masses, and assists the growth of socialism. France by clinging obstinately to her desire for revenge opposes disarmament. Once for all she must be reduced, for a century, to a state of impotence; that is the best and speediest way of solving the social problem.

Historians, philosophers, political pamphleteers and other apologists of German *Kultur* wish to impose upon the world a way of thinking and feeling specifically German. They wish to wrest from France that intellectual supremacy which according to the clearest thinkers is still her possession. From this source is derived the phraseology of the Pan-Germans and the ideas and adherents of the *Kriegsvereine*, *Wehrvereine* and other similar associations too well known to need particular description. It is enough to note that the dissatisfaction caused by the treaty of November 4th has considerably swelled the membership of colonial societies.

We come finally to those whose support of the war policy is inspired by rancor and resentment. These are the most dangerous. They are recruited chiefly among diplomatists. German diplomatists are now in very bad odor in public opinion. The most bitter are those who since 1905 have been engaged in the negotiations between France and Ger-

many; they are heaping together and reckoning up their grievances against us, and one day they will present their accounts in the war press. It seems as if they were looking for grievances chiefly in Morocco, though an incident is always possible in any part of the globe where France and Germany are in contact.

They must have their revenge, for they complain that they have been duped. During the discussion on the Army Bill one of these warlike diplomatists exclaimed, "Germany will not be able to have any serious conversation with France until she has every sound man under arms."

In what terms will this conversation be couched? The opinion is fairly widely spread, even in Pan-German circles, that Germany will not declare war in view of the system of defensive alliances and the tendencies of the Emperor. But when the moment comes, she will have to try in every possible way to force France to attack her. Offence will be given if necessary. That is the Prussian tradition.

Must war then be considered as inevitable?

It is hardly likely that Germany will take the risk, if France can make it clear to the world that the *Entente Cordiale* and the Russian alliance are not mere diplomatic fictions but realities which exist and will make themselves felt. The English fleet inspires a wholesome terror. It is well known, however, that victory on sea will leave everything in suspense. On land alone can a decisive issue be obtained.

As for Russia, even though she carries greater weight in political and military circles than was the case three or four years ago, it is not believed that her co-operation will be sufficiently rapid and energetic to be effective.

People's minds are thus getting used to consider the next war as a duel between France and Germany.

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No. 6.

*M. Jules Cambon, Ambassador of the French Republic at Berlin, to  
M. Stéphen Pichon, Minister for Foreign Affairs*

BERLIN, November 22, 1913.

I have received from an absolutely reliable source an account of a conversation which took place a fortnight ago between the Emperor and the King of the Belgians, in the presence of the Chief of the General



Staff—General von Moltke. This conversation, it appears, has made a profound impression on King Albert. I am in no way surprised at the impression he gathered, which corresponds with what I have myself felt for some time. Enmity against us is increasing, and the Emperor has ceased to be the friend of peace.

The person addressed by the Emperor had thought up till then, as did all the world, that William II, whose personal influence had been exerted on many critical occasions in support of peace, was still in the same state of mind. He found him this time completely changed. The German Emperor is no longer in his eyes the champion of peace against the warlike tendencies of certain parties in Germany. William II has come to think that war with France is inevitable, and that it must come sooner or later. Naturally he believes in the crushing superiority of the German army and in its certain success.

General von Moltke spoke exactly in the same strain as his sovereign. He, too, declared war to be necessary and inevitable, but he showed himself still more assured of success "for," he said, to the King, "this time the matter must be settled, and your Majesty can have no conception of the irresistible enthusiasm with which the whole German people will be carried away when that day comes."

The King of the Belgians protested that it was a travesty of the intentions of the French Government to interpret them in that sense; and to let oneself be misled as to the sentiments of the French nation by the ebullitions of a few irresponsible spirits or the intrigues of unscrupulous agitators.

The Emperor and his Chief of the General Staff nevertheless persisted in their point of view.

During the course of this conversation the Emperor moreover seemed overstrained and irritable. As William II advances in years, family traditions, the reactionary tendencies of the court, and especially the impatience of the soldiers, obtain a greater empire over his mind. Perhaps he feels some slight jealousy of the popularity acquired by his son, who flatters the passions of the Pan-Germans, and who does not regard the position occupied by the Empire in the world as commensurate with its power. Perhaps the reply of France to the last increase of the German army, the object of which was to establish the incontestable supremacy of Germany is, to a certain extent, responsible for his bitterness, for, whatever may be said, it is realized that Germany cannot go much further.

One may well ponder over the significance of this conversation. The Emperor and his Chief of the General Staff may have wished to impress the King of the Belgians and induce him not to make any opposition in the event of a conflict between us. Perhaps Germany would be glad to see Belgium less hostile to certain aspirations lately manifested here with regard to the Belgian Congo, but this last hypothesis does not seem to me to fit in with the interposition of General von Moltke.

For the rest, the Emperor William is less master of his impatience than is usually supposed. I have known him more than once to allow his real thoughts escape him. Whatever may have been the object of the conversation related to me, the revelation is none the less of extreme gravity. It tallies with the precariousness of the general situation and with the state of a certain shade of public opinion in France and Germany.

If I may be allowed to draw a conclusion, I would submit that it would be well to take account of this new factor, namely, that the Emperor is becoming used to an order of ideas which were formerly repugnant to him, and that, to borrow from him a phrase which he likes to use, "we must keep our powder dry."

JULES CAMBON.

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## CHAPTER II

### PRELIMINARIES

From the death of the Hereditary Archduke (June 28, 1914) to the presentation of the Austrian note to Serbia (July 23, 1914)

#### No. 7.

*M. Dumaine, French Ambassador at Vienna, to M. René Viviani, President of the Council, Minister for Foreign Affairs*

VIENNA, June 28, 1914.

News has just arrived at Vienna that the Hereditary Archduke of Austria and his wife have been to-day assassinated at Serajevo by a student belonging to Grahovo. Some moments before the attack to

which they fell a victim, they had escaped the explosion of a bomb which wounded several officers of their suite.

The Emperor, who is now at Ischl, was immediately informed by telegraph.

DUMAINE.

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No. 8.

*M. Dumaine, French Ambassador at Vienna, to M. René Viviani, President of the Council, Minister for Foreign Affairs*

VIENNA, July 2, 1914.

The crime of Serajevo arouses the most acute resentment in Austrian military circles, and among all those who are not content to allow Serbia to maintain in the Balkans the position which she has acquired.

The investigation into the origin of the crime which it is desired to exact from the Government at Belgrade under conditions intolerable to their dignity would, in case of a refusal, furnish grounds of complaint which would admit of resort to military measures.

DUMAINE.

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No. 9.

*M. de Manneville, French Chargé d'Affaires at Berlin, to M. René Viviani, President of the Council, Minister for Foreign Affairs*

BERLIN, July 4, 1914.

The Under-Secretary of State for Foreign Affairs told me yesterday, and has to-day repeated to the Russian Ambassador, that he hoped Serbia would satisfy the demands which Austria might have to make to her with regard to the investigation and the prosecution of the accomplices in the crime of Serajevo. He added that he was confident that this would be the case because Serbia, if she acted in any other way, would have the opinion of the whole civilized world against her.

The German Government do not then appear to share the anxiety which is shown by a part of the German press as to possible tension in the relations between the Governments of Vienna and Belgrade, or at least they do not wish to seem to do so.

DE MANNEVILLE.

## No. 10.

*M. Paléologue, French Ambassador at St. Petersburg, to M. René Viviani,  
President of the Council, Minister for Foreign Affairs*

ST. PETERSBURGH, July 6, 1914.

In the course of an interview which he had asked for with the Austro-Hungarian Chargé d'Affaires, M. Sazonof pointed out in a friendly way the disquieting irritation which the attacks of the Austrian press against Serbia are in danger of producing in his country.

Count Czernin having given him to understand that the Austro-Hungarian Government would perhaps be compelled to search for the instigators of the crime of Serajevo on Servian territory, M. Sazonof interrupted him: "No country," he said, "has had to suffer more than Russia from crimes prepared on foreign territory. Have we ever claimed to employ in any country whatsoever the procedure with which your papers threaten Serbia? Do not embark on such a course."

May this warning not be in vain.

PALÉOLOGUE.

## No. 11.

*M. d'Aphier le Maugin, French Consul-General at Budapest, to M. René  
Viviani, President of the Council, Minister for Foreign Affairs*

BUDAPEST, July 11, 1914.

Questioned in the Chamber on the state of the Austro-Servian question M. Tisza explained that before everything else it was necessary to wait for the result of the judicial inquiry, as to which he refused at the moment to make any disclosure whatsoever. And the Chamber has given its full approval to this. He also showed himself equally discreet as to the decisions taken at the meeting of Ministers at Vienna, and did not give any indication whether the project of a *démarche* at Belgrade, with which all the papers of both hemispheres are full, would be followed up. The Chamber assented without hesitation.

With regard to this *démarche* it seems that the word has been given to minimize its significance; the anger of the Hungarians has, as it were, evaporated through the virulent articles of the press, which is now unanimous in advising against this step, which might be dangerous. The semi-official press especially would desire that for the word "*démarche*,"

with its appearance of a threat, there should be substituted the expression "*pourparlers*," which appears to them more friendly and more courteous. Thus, officially, for the moment all is for peace.

All is for peace, in the press. But the general public here believes in war and fears it. Moreover, persons in whom I have every reason to have confidence have assured me that they knew that every day cannon and ammunition were being sent in large quantities towards the frontier. Whether true or not this rumor has been brought to me from various quarters with details which agree with one another; at least it indicates what are the thoughts with which people are generally occupied. The government, whether it is sincerely desirous of peace, or whether it is *preparing a coup*, is now doing all that it can to allay these anxieties. This is why the tone of the government newspapers has been lowered, first by one note, then by two, so that it is at the present moment almost optimistic. But they had themselves spread the alarm as it suited them (*à plaisir*). Their optimism to order is in fact without an echo; the nervousness of the bourse, a barometer which cannot be neglected, is a sure proof of this; without exception stocks have fallen to an unaccountably low level; the Hungarian 4 per cents. were quoted yesterday at 79.95, a rate which has never been quoted since they were first issued.

D'APCHIER LE MAUGIN.

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No. 12.

*M. Dumaine, French Ambassador at Vienna, to M. René Viviani, President of the Council, Minister for Foreign Affairs*

VIENNA, July 15, 1914.

Certain organs of the Vienna press, discussing the military organization of France and of Russia, represent these two countries as incapable of holding their own in European affairs; this would ensure to the Dual Monarchy, supported by Germany, appreciable facilities for subjecting Serbia to any treatment which it might be pleased to impose. The *Militärische Rundschau* frankly admits it. "The moment is still favorable to us. If we do not decide for war, that war in which we shall have to engage at the latest in two or three years will be begun in far less propitious circumstances. At this moment the initiative rests with us: Russia is not ready, moral factors and right are on our side, as well as might. Since we shall have to accept the contest some day, let us pro-

voke it at once. Our prestige, our position as a great Power, our honor, are in question; and yet more, for it would seem that our very existence is concerned—to be or not to be—which is in truth the great matter to-day.”

Surpassing itself, the *Neue Freie Presse* of to-day reproaches Count Tisza for the moderation of his second speech, in which he said, “Our relations with Servia require, however, to be made clear.” These words rouse its indignation. For it, tranquillity and security can result only from a *war to the knife* against Pan-Servism, and it is in the name of humanity that it demands the extermination of the cursed Servian race.

DUMAINE.

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No. 13.

*M. Dumaine, French Ambassador at Vienna, to M. René Viviani, President of the Council, Minister for Foreign Affairs*

VIENNA, July 19, 1914.

The chancellor of the consulate, who has sent me his half-yearly report, in which he sums up the various economic facts which have been the subject of his study since the beginning of the year, has added a section containing political information emanating from a trustworthy source.

I asked him briefly to sum up the information which he has obtained regarding the impending presentation of the Austrian note to Servia, which the papers have for some days been persistently announcing.

You will find the text of this memorandum interesting on account of the accurate information which it contains.

DUMAINE.

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No. 14.

*Memorandum*

*(Extract from a consular report on the economic and political situation in Austria)*

VIENNA, July 20, 1914.

From information furnished by a person specially well informed as to official news, it appears that the French Government would be wrong to have confidence in disseminators of optimism; much will be demanded

of Serbia; she will be required to dissolve several propagandist societies, she will be summoned to repress nationalism, to guard the frontier in co-operation with Austrian officials, to keep strict control over anti-Austrian tendencies in the schools; and it is a very difficult matter for a government to consent to become in this way a policeman for a foreign government. They foresee the subterfuges by which Serbia will doubtless wish to avoid giving a clear and direct reply; that is why a short interval will perhaps be fixed for her to declare whether she accepts or not. The tenor of the note and its imperious tone almost certainly ensure that Belgrade will refuse. Then military operations will begin.

There is here, and equally at Berlin, a party which accepts the idea of a conflict of widespread dimensions, in other words, a conflagration. The leading idea is probably that it would be necessary to start before Russia has completed the great improvements of her army and railways, and before France has brought her military organization to perfection. But on this point there is no unanimity in high circles; Count Berchtold and the diplomatists desire at the most localized operations against Serbia. But everything must be regarded as possible. A singular fact is pointed out: generally the official telegraph agency, in its summaries and reviews of the foreign press, pays attention only to semi-official newspapers and to the most important organs; it omits all quotation from and all mention of the others. This is a rule and a tradition. Now, for the last ten days, the official agency has furnished daily to the Austro-Hungarian press a complete review of the whole Servian press, giving a prominent place to the least known, the smallest, and most insignificant papers, which, just on account of their obscurity, employ language freer, bolder, more aggressive, and often insulting. This work of the official agency has obviously for its aim the excitement of public feeling and the creation of opinion favorable to war. The fact is significant.

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No. 15.

*M. Jules Cambon, French Ambassador at Berlin, to M. Bienvenu-Martin,  
Acting Minister for Foreign Affairs*

BERLIN, July 21, 1914.

It has come to my knowledge that the Servian representative at Berlin declared, at the Wilhelmstrasse, yesterday, that his government was ready to entertain Austria's requirements arising out of the outrage

at Serajevo, provided that she asked only for judicial co-operation in the punishment and prevention of political crimes, but that he was charged to warn the German Government that it would be dangerous to attempt, through that investigation, to lower the prestige of Servia.

In confidence I may also inform your excellency that the Russian Chargé d'Affaires at the diplomatic audience to-day mentioned this subject to Herr von Jagow. He said that he supposed the German Government now had full knowledge of the note prepared by Austria, and were therefore willing to give the assurance that the Austro-Servian difficulties would be localized. The Secretary of State protested that he was in complete ignorance of the contents of that note, and expressed himself in the same way to me. I could not help showing my astonishment at a statement which agreed so little with what circumstances lead one to expect.

I have also been assured that, from now on, the preliminary notices for mobilization, the object of which is to place Germany in a kind of "attention" attitude in times of tension, have been sent out here to those classes which would receive them in similar circumstances. That is a measure to which the Germans, constituted as they are, can have recourse without indiscretion and without exciting the people. It is not a sensational measure, and is not necessarily followed by full mobilization, as we have already seen, but it is none the less significant.

JULES CAMBON.

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No. 16.

*M. Bienvenu-Martin, Acting Minister for Foreign Affairs, to London,  
St. Petersburg, Vienna, Rome*

PARIS, July 21, 1914.

I specially draw your attention to information of which I am in receipt from Berlin; the French Ambassador notifies the extreme weakness of the Berlin bourse yesterday, and attributes it to the anxiety which has begun to be aroused by the Servian question.

M. Jules Cambon has very grave reason for believing that when Austria makes the *démarche* at Belgrade which she judges necessary in consequence of the crime of Serajevo, Germany will support her with her authority, without seeking to play the part of mediator.

BIENVENU-MARTIN.



## No. 17.

*M. Bienvenu-Martin, Acting Minister for Foreign Affairs, to the French Ambassadors at London, St. Petersburg, Vienna, Rome*

PARIS, July 22, 1914.

M. Jules Cambon having questioned Herr von Jagow on the tenor of the Austrian note at Belgrade, the latter replied that he knew nothing of the text; our ambassador expressed his great astonishment at this. He emphasizes that the weakness of the Berlin bourse continues, and that pessimistic rumors are current.

M. Barrère also discussed the same question with the Marquis di San Giuliano, who appears disturbed by it, and gives the assurance that he is working at Vienna in order that Servia may not be asked for anything beyond what is practicable, for instance, the dissolution of the Bosnian Club, and not a judicial inquiry into the causes of the crime of Serajevo.

In present circumstances, the most favorable presumption one can make is that the Cabinet at Vienna, finding itself carried away by the press and the military party, is trying to obtain the maximum from Servia by starting to intimidate her, directly and indirectly, and looks to Germany for support in this.

I have asked the French Ambassador at Vienna to use all his influence with Count Berchtold and to represent to him, in a friendly conversation, how much Europe would appreciate moderation on the part of the Austrian Government, and what consequences would be likely to be entailed by violent pressure on Servia.

BIENVENU-MARTIN.

## No. 18.

*M. Dumaine, French Ambassador at Vienna, to M. Bienvenu-Martin, Acting Minister for Foreign Affairs*

VIENNA, July 22, 1914.

Nothing is known as to the decision which Count Berchtold, who is prolonging his stay at Ischl, is trying to obtain from the Emperor. The intention of proceeding against Servia with the greatest severity, of having done with her, of "treating her like another Poland," is attributed to the government. Eight army corps are said to be ready to start on

the campaign, but M. Tisza, who is very disturbed about the excitement in Croatia, is said to have intervened actively in order to exercise a moderating influence.

In any case it is believed that the *démarche* will be made at Belgrade this week. The requirements of the Austro-Hungarian Government with regard to the punishment of the outrage, and to guarantees of control and police supervision, seem to be acceptable to the dignity of the Servians; M. Jovanovich believes they will be accepted. M. Pashitch wishes for a peaceful solution, but says that he is ready for a full resistance. He has confidence in the strength of the Servian army; besides, he counts on the union of all the Slavs in the Monarchy to paralyze the effort directed against his country.

Unless people are absolutely blinded, it must be recognized here that a violent blow has every chance of being fatal both to the Austro-Hungarian army and to the cohesion of the nationalities governed by the Emperor, which has already been so much compromised.

Herr von Tschirscky, the German Ambassador, is showing himself a supporter of violent measures, while at the same time he is willing to let it be understood that the Imperial Chancery would not be in entire agreement with him on this point. The Russian Ambassador, who left yesterday for the country in consequence of reassuring explanations made to him at the Ministry for Foreign Affairs, has confided to me that his government will not raise any objection to steps directed towards the punishment of the guilty and the dissolution of the societies which are notoriously revolutionary, but could not accept requirements which would humiliate Servian national feeling.

DUMAINE.

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No. 19.

*M. Paul Cambon, French Ambassador at London, to M. Bienvenu-Martin,  
Acting Minister for Foreign Affairs*

LONDON, July 22, 1914.

Your excellency has been good enough to communicate to me the impressions which have been collected by our ambassador at Berlin with regard to the *démarche* which the Austro-Hungarian Minister is proposing to make at Belgrade.

These impressions have been confirmed by a conversation which I

had yesterday with the Secretary of State for Foreign Affairs. Sir Edward Grey told me that he had seen the German Ambassador, who stated to him that at Berlin a *démarche* of the Austro-Hungarian Government to the Servian Government was expected. Prince Lichnowsky assured him that the German Government were endeavoring to hold back and moderate the Cabinet of Vienna, but that up to the present time they had not been successful in this, and that he was not without anxiety as to the results of a *démarche* of this kind. Sir Edward Grey answered Prince Lichnowsky that he would like to believe that, before intervening at Belgrade, the Austro-Hungarian Government had fully informed themselves as to the circumstances of the conspiracy to which the Hereditary Archduke and the Duchess of Hohenburg had fallen victims, and had assured themselves that the Servian Government had been cognizant of it and had not done all that lay in their power to prevent the consequences. For if it could not be proved that the Servian Government were responsible and implicated to a certain degree, the intervention of Austria-Hungary would not be justified and would arouse against them the opinion of Europe.

The communications of Prince Lichnowsky had left Sir Edward Grey with an impression of anxiety which he did not conceal from me. The same impression was given me by the Italian Ambassador, who also fears the possibility of fresh tension in Austro-Servian relations.

This morning the Servian Minister came to see me, and he shares the apprehensions of Sir Edward Grey. He fears that Austria may make of the Servian Government demands which their dignity, and above all the susceptibility of public opinion, will not allow them to accept without a protest. When I pointed out to him the quiet which appears to reign at Vienna, and to which all the ambassadors accredited to that court bear testimony, he answered that this official quiet was only apparent and concealed feelings which were most fundamentally hostile to Servia. But, he added, if these feelings take a public form (*démarche*) which lacks the moderation that is desirable, it will be necessary to take account of Servian public opinion, which has been inflamed by the wrong methods which the Austrian Government have used in approaching that country, and which has been made less patient by the memory of two victorious wars which is still quite fresh. Notwithstanding the sacrifices which Servia has made for her recent victories she can still put 400,000 men in the field, and public opinion, which knows this, is not inclined to put up with any humiliation.

Sir Edward Grey, in an interview with the Austro-Hungarian Ambassador, asked him to recommend his government not to depart from the prudence and moderation necessary for avoiding new complications, not to demand from Servia any measures to which she could not reasonably submit, and not to allow themselves to be carried away too far.

PAUL CAMBON.

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No. 20.

*M. Bienvenu-Martin, Acting Minister for Foreign Affairs to London, Berlin, St. Petersburg, and Rome*

PARIS, July 23, 1914.

According to information collected by the French Ambassador at Vienna, the first intention of the Austro-Hungarian Government had been to proceed with the greatest severity against Servia, while keeping eight army corps ready to start operations.

The disposition at this moment was more conciliatory; in answer to a question put to him by M. Dumaine, whom I instructed to call the attention of the Austro-Hungarian Government to the anxiety aroused in Europe, Baron Macchio stated to our ambassador that the tone of the Austrian note, and the demands which would be formulated in it, allow us to count on a peaceful result. In view of the customary procedure of the Imperial Chancery I do not know what confidence ought to be placed in these assurances.

In any case the Austrian note will be presented in a very short space of time. The Servian Minister holds that as M. Pashitch wishes to come to an understanding, he will accept those demands which relate to the punishment of the outrage and to the guarantees for control and police supervision, but that he will resist everything which might affect the sovereignty and dignity of his country.

In diplomatic circles at Vienna the German Ambassador is in favor of violent measures, while at the same time he confesses that the Imperial Chancery is perhaps not entirely in agreement with him on this point; the Russian Ambassador, trusting to assurances which have been given him, has left Vienna, and before his departure confided to M. Dumaine that his government will not raise any objection to the punishment of the guilty and the dissolution of the revolutionary associations,

but that they could not accept requirements which were humiliating to the national sentiment of Servia.

BIENVENU-MARTIN.

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No. 21.

*M. Allizé, French Minister at Munich, to M. Bienvenu-Martin, Acting Minister for Foreign Affairs, Paris*

MUNICH, July 23, 1914.

The Bavarian press seems to believe that a peaceful solution of the Austro-Servian incident is not only possible but even probable; on the other hand official circles have for some time been assuming with more or less sincerity an air of real pessimism.

In particular the President of the Council said to me to-day that the Austrian note the contents of which were known to him (*dont il avait connaissance*) was in his opinion drawn up in terms which could be accepted by Servia, but that none the less the existing situation appeared to him to be very serious.

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CHAPTER III

THE AUSTRIAN NOTE AND THE SERVIAN REPLY

(From Friday, July 24, to Saturday, July 25.)

No. 22.

*M. René Viviani, President of the Council, to M. Bienvenu-Martin, Acting Minister for Foreign Affairs*

I should be obliged if you would urgently send on to M. Dumaine the following information and instructions.

REVAL, July 24, 1914, 1 a. m.

In the course of my conversation with the Russian Minister for Foreign Affairs we had to take into consideration the dangers which might result from any step taken by Austria-Hungary in relation to Servia in connection with the crime of which the Hereditary Archduke

has been a victim. We found ourselves in agreement in thinking that we should not leave anything undone to prevent a request for an explanation or some *mise en demeure* which would be equivalent to intervention in the internal affairs of Servia, of such a kind that Servia might consider it as an attack on her sovereignty and independence.

We have in consequence come to the opinion that we might, by means of a friendly conversation with Count Berchtold, give him counsels of moderation, of such a kind as to make him understand how undesirable would be any intervention at Belgrade which would appear to be a threat on the part of the Cabinet at Vienna.

The British Ambassador, who was kept informed by M. Sazonof, expressed the idea that his government would doubtless associate itself with a *démarche* for removing any danger which might threaten general peace, and he has telegraphed to his government to this effect.

M. Sazonof has addressed instructions to this effect to M. Schebeko. While there is no question in this of collective or concerted action at Vienna on the part of the representatives of the Triple Entente, I ask you to discuss the matter with the Russian and English Ambassadors, and to come to an agreement with them as to the best means by which each of you can make Count Berchtold understand without delay the moderation that the present situation appears to us to require.

Further, it would be desirable to ask M. Paul Cambon to bring the advantages of this procedure to the notice of Sir Edward Grey, and to support the suggestion that the British Ambassador in Russia will have made to this effect to the Foreign Office. Count Benckendorff is instructed to make a similar recommendation.

RENÉ VIVIANI.

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No. 23.

*M. Bienvenu-Martin, Acting Minister for Foreign Affairs, to M. René Viviani, President of the Council, on board the "France"*

PARIS, July 24, 1914.

I have sent on your instructions to Vienna as urgent, but from information contained in this morning's papers it appears that the Austrian note was presented at Belgrade at 6 o'clock yesterday evening.

This note, the official text of which has not yet been handed to us by the Austro-Hungarian Ambassador, appears to be very sharp; it appears

to aim not only at obtaining the prosecution of the Serbs who were directly implicated in the outrage of Serajevo but to require the immediate suppression of the whole of the anti-Austrian propaganda in the Servian press and army. It is said to give Servia till 6 o'clock on Saturday evening to make her submission.

In sending your instructions to M. Dumaine I requested him to come to an agreement with his English and Russian colleagues as to his action.

BIENVENU-MARTIN.

#### No. 24.

##### *Text of the Austrian Note*

(Note communicated by Count Scézszen, Austro-Hungarian Ambassador, to M. Bienvenu-Martin, Acting Minister for Foreign Affairs, on Friday, July 24, 1914, at 10.30 a. m.)

Here follows the text of the note, for which see No. 4 in Documents issued by the British Government, Supplement to this Journal for October, 1914, pp. 254-259. The following note is appended by the French Government:

The Austro-Hungarian Ambassador in a private letter on the 24th July sent to the Minister for Foreign Affairs the following correction:

"In the copy of the dispatch which I had the honor to send to your excellency this morning, it was said that my government expected an answer from the Cabinet at Belgrade at latest by 5 o'clock on the evening of Saturday the 25th of this month. As our Minister at Belgrade did not deliver his note yesterday until 6 o'clock in the evening, the time allowed for the answer has in consequence been prolonged to 6 o'clock to-morrow, Saturday evening.

"I consider it my duty to inform your excellency of this slight alteration in the termination of the period fixed for the answer to the Servian Government."

#### No. 25.

*M. Bienvenu-Martin, Acting Minister for Foreign Affairs, to M. René Viviani, President of the Council, on board the "France," and to London, Berlin, Vienna, St. Petersburg, Rome, Belgrade*

PARIS, July 24, 1914.

I have the honor to inform you that the Austro-Hungarian Ambassador this morning left me a copy of the Austrian note which was handed

in at Belgrade on Thursday evening. Count Scézszen informs me that the Austro-Hungarian Government gives the Servian Government up to 5 o'clock on the evening of Saturday the 25th for their answer.<sup>1</sup>

The note is based on the undertaking made by Servia on the 31st March 1909, to recognize the annexation of Bosnia and Herzegovina, and reproaches the Servian Government with having tolerated an anti-Austrian propaganda in which officials, the army, and the press have taken part, a propaganda which threatens the security and integrity of Austria, and the danger of which has been shown by the crime of the 28th June which, according to the facts established during the investigation, was planned at Belgrade.

The Austrian Government explain that they are compelled to put an end to a propaganda which forms a permanent danger to their tranquillity, and to require from the Servian Government an official pronouncement of their determination to condemn and suppress it, by publishing in the Official Gazette of the 26th a declaration, the terms of which are given, condemning it, stating their regret, and threatening to crush it. A general order of the King to the Servian army is at the same time to make these declarations known to the army. In addition to this, the Servian Government are to undertake to suppress publications, to dissolve the societies, to dismiss those officers and civil servants whose names would be communicated to them by the Austrian Government, to accept the co-operation of Austrian officials in suppressing the subversive acts to which their attention has been directed, as well as for the investigation into the crime of Serajevo, and finally to proceed to the immediate arrest of a Servian officer and an official who were concerned in it.

Annexed to the Austrian memorandum is a note which sums up the facts established by the investigation into the crime of Serajevo, and declares that it was planned at Belgrade; that the bombs were provided for the murderers, and came from a depôt of the Servian army; finally that the murderers were drilled and helped by Servian officers and officials.

On visiting the Acting Political Director immediately after making this communication, Count Scézszen without any observations informed him that the note had been presented. M. Berthelot, on my instructions, confined himself to pointing out to the Austro-Hungarian Ambassador the feeling of anxiety which had been aroused by the informa-

<sup>1</sup> See note under No. 24 on page 170.



tion available this morning as to the contents of the Austrian note, and the painful feeling which could not fail to be aroused in French public opinion by the time chosen for so categorical a *démarche* with so short a time limit; that is to say, a time when the President of the Republic and the President of the Council and Minister for Foreign Affairs of the Republic had left St. Petersburg and were at sea, and consequently were not able to exert, in agreement with those Powers which were not directly interested, that soothing influence on Serbia and Austria which was so desirable in the interest of general peace.

The Servian Minister has not yet received any information as to the intentions of his government.

The German Ambassador has asked me to receive him at 5 o'clock this afternoon.

BIENVENU-MARTIN.

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No. 26.

*M. Bienvenu-Martin, Acting Minister for Foreign Affairs, to M. Thiébaud, French Minister at Stockholm (for the President of the Council), and to Belgrade, Vienna, London, Berlin, Rome, St. Petersburg*

PARIS, July 24, 1914.

M. Vesnitch was this morning still without any telegram from his government informing him as to their intentions, and did not know the contents of the Austrian note.

To a request for advice which he made to the Political Director, M. Berthelot said to him, speaking personally and for himself alone, that Serbia must try to gain time, as the limit of forty-eight hours perhaps formed rather a "*mise en demeure*" than an ultimatum in the proper sense of the term; that there might, for instance, be an opportunity of offering satisfaction on all those points which were not inconsistent with the dignity and sovereignty of Serbia; he was advised to draw attention to the fact that statements based on the Austrian investigations at Serajevo were one sided, and that Serbia, while she was quite ready to take measures against all the accomplices of a crime which she most strongly condemned, required full information as to the evidence in order to be able to verify it with all speed; above all to attempt to

escape from the direct grip of Austria by declaring herself ready to submit to the arbitration of Europe.

I have asked at London and St. Petersburg for the views and intentions of the English and Russian Governments. It appears on the other hand from our information that the Austrian note was not communicated to Italy until to-day, and that Italy had neither been consulted nor even informed of it.

BIENVENU-MARTIN.

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No. 27.

*M. Bienvenu-Martin, Acting Minister for Foreign Affairs, to Stockholm (for the President of the Council), and to Belgrade, London, St. Petersburg, Berlin, Rome*

PARIS, July 24, 1914.

The French Ambassador at Vienna informs me that opinion has been startled by the sudden and exaggerated nature of the Austrian demands, but that the chief fear of the military party appears to be that Serbia may give way.

The Servian Minister in Austria thinks that his government will show themselves very conciliatory in all that concerns the punishment of the accomplices of the crime, and the guarantees to be given as to the suppression of the anti-Austrian propaganda, but that they could not accept a general order to the army dictated to the King, nor the dismissal of officers who were suspected by Austria, nor the interference of foreign officials in Servia. M. Jovanovitch considers that, if it were possible to start a discussion, a settlement of the dispute might still be arranged, with the assistance of the Powers.

Our ambassador at Berlin gives an account of the excitement aroused by the Austrian note, and of the state of feeling of the Russian Chargé d'Affaires, who thinks that a large part of opinion in Germany would desire war. The tone of the press is threatening and appears to have as its object the intimidation of Russia. Our ambassador is to see Herr von Jagow this evening.

M. Barrère informs us that Italy is exercising moderating influence at Vienna and is trying to avoid complications.

BIENVENU-MARTIN.

## No. 28.

*M. Bienvenu-Martin, Acting Minister for Foreign Affairs, to Stockholm (for the President of the Council), and to Belgrade, London, St. Petersburg, Berlin, Vienna, Rome*

PARIS, July 24, 1914.

Herr von Schoen came to inform me of a note from his government, of which he would not leave me a copy, but at my request he read it twice over to me.

The note was almost word for word as follows:—

The statements of the Austro-Hungarian newspapers concerning the circumstances under which the assassination of the Austrian heir presumptive and his consort has taken place disclose unmistakably the aims which the Pan-Servian propaganda has set itself, and the means it employs to realize them. The facts made known must also do away with all doubt that the centre of activity of all those tendencies which are directed towards the detachment of the Southern Slav provinces from the Austro-Hungarian Monarchy and their incorporation into the Servian Kingdom is to be found in Belgrade, and is, at any rate, at work there, with the connivance of members of the government and the army.

The Servian intrigues have been going on for many years. In an especially marked form the Pan-Servian chauvinism manifested itself during the Bosnian crisis. It was only owing to the moderation and far-reaching self-restraint of the Austro-Hungarian Government and to the energetic intervention of the great Powers that the Servian provocations to which Austro-Hungary was then exposed did not lead to a conflict. The assurance of good conduct in future which was given by the Servian Government at that time has not been kept. Under the eyes, at least with the tacit permission, of official Servia, the Pan-Servian propaganda has, since that time, continuously increased in extension and intensity. To its account must be set the recent crime, the threads of which lead to Belgrade. It has become clearly evident that it would not be consistent either with the dignity or with the self-preservation of the Austro-Hungarian Monarchy to remain longer inactive in face of this movement on the other side of the frontier, by which the security and the integrity of her territories are constantly menaced. Under these circumstances, the course of procedure and demands of the Austro-Hungarian Government can only be regarded as justified. In spite of that, the attitude which public opinion as well as the Government in Servia have recently adopted does not exclude the apprehension that the Servian Government might refuse to comply with those demands, and might even allow themselves to be carried away into a provocative attitude towards Austria-Hungary. The Austro-Hungarian Government, if they do not wish definitely to abandon Austria's position as a great Power, would then have no choice but to obtain the fulfilment of their demands from the Servian Government by strong pressure and, if necessary, by using military measures, the choice of the means having to be left to them.

The German Ambassador particularly called my attention to the last two paragraphs of his note before reading it, pressing the point that this was the important matter. I noted down the text literally; it is as follows:

The German Government consider that in the present case there is only question of a matter to be settled exclusively between Austria-Hungary and Servia, and that the great Powers ought seriously to endeavor to restrict it to those two immediately concerned.

The German Government desire urgently the localization of the dispute, because every interference of another Power would, owing to the natural play of alliances be followed by incalculable consequences.

I called the German Ambassador's attention to the fact that while it might appear legitimate to demand the punishment of all those who were implicated in the crime of Serajevo, on the other hand it seemed difficult to require measures which could not be accepted, having regard to the dignity and sovereignty of Servia; the Servian Government, even if it was willing to submit to them, would risk being carried away by a revolution.

I also pointed out to Herr von Schoen that his note only took into account two hypotheses: that of a pure and simple refusal or that of a provocative attitude on the part of Servia. The third hypothesis (which would leave the door open for an arrangement) should also be taken into consideration; that of Servia's acceptance and of her agreeing at once to give full satisfaction for the punishment of the accomplices and full guarantees for the suppression of the anti-Austrian propaganda so far as they were compatible with her sovereignty and dignity.

I added that if within these limits the satisfaction desired by Austria could be admitted, the means of obtaining it could be examined; if Servia gave obvious proof of good will it could not be thought that Austria would refuse to take part in the conversation.

Perhaps they should not make it too difficult for third Powers, who could not either morally or sentimentally cease to take interest in Servia, to take an attitude which was in accord with the wishes of Germany to localize the dispute.

Herr von Schoen recognized the justice of these considerations and vaguely stated that hope was always possible. When I asked him if we should give to the Austrian note the character of a simple *mise en demeure*, which permitted a discussion, or an ultimatum, he answered that personally he had no views.

BIENVENU-MARTIN.

## No. 29.

*M. Jules Cambon, French Ambassador at Berlin, to M. Bienvenu-Martin,  
Acting Minister for Foreign Affairs*

BERLIN, July 24, 1914.

The delivery of the Austrian note to Servia has made a deep impression.

The Austrian Ambassador declares that his government could not abate any of their demands. At the Wilhelmstrasse, as well as in the press, the same view is expressed.

Most of the *Chargés d'Affaires* present in Berlin came to see me this morning. They show little hope of a peaceful issue. The Russian *Chargé d'Affaires* bitterly remarked that Austria has presented her note at the very moment that the President of the Republic and the President of the Council had left St. Petersburg. He is inclined to think that a considerable section of opinion in Germany desires war and would like to seize this opportunity, in which Austria will no doubt be found more united than in the past, and in which the German Emperor, influenced by a desire to give support to the monarchic principle (*par un sentiment de solidarité monarchique*) and by horror at the crime, is less inclined to show a conciliatory attitude.

Herr von Jagow is going to receive me late in the afternoon.

JULES CAMBON.

## No. 30.

*M. Jules Cambon, Ambassador of the French Republic at Berlin, to  
M. Bienvenu-Martin, Acting Minister for Foreign Affairs*

BERLIN, July 24, 1914.

I asked the Secretary of State to-day, in the interview which I had with him, if it was correct, as announced in the newspapers, that Austria has presented a note to the Powers on her dispute with Servia; if he had received it; and what view he took of it.

Herr von Jagow answered me in the affirmative, adding that the note was forcible, and that he approved it, the Servian Government having for a long time past wearied the patience of Austria. Moreover, he considers this question to be a domestic one for Austria, and he hopes that it will be localized.

I then said to him that not having as yet received any instructions the views which I wished to exchange with him were strictly personal. Thereupon I asked him if the Berlin Cabinet had really been entirely ignorant of Austria's requirements before they were communicated to Belgrade, and as he told me that that was so, I showed him my surprise at seeing him thus undertake to support claims, of whose limit and scope he was ignorant.

Herr von Jagow interrupted me, and said, "It is only because we are having a personal conversation that I allow you to say that to me."

"Certainly," I replied, "but if Peter I humiliates himself, domestic trouble will probably break out in Servia; that will open the door to fresh possibilities, and do you know where you will be led by Vienna?" I added that the language of the German newspapers was not the language of persons who were indifferent to, and unacquainted with, the question, but betokened an active support. Finally, I remarked that the shortness of the time limit given to Servia for submission would make an unpleasant impression in Europe.

Herr von Jagow answered that he quite expected a little excitement (*un peu d'émotion*) on the part of Servia's friends, but that he was counting on their giving her wise advice.

"I have no doubt," I then said to him, "that Russia would endeavor to persuade the Cabinet of Belgrade to make acceptable concessions; but why not ask from one what is being asked from the other, and if reliance is being placed on advice being given at Belgrade, is it not also legitimate to rely on advice being given at Vienna from another quarter?"

The Secretary of State went so far as to say that that depended on circumstances; but immediately checked himself; he repeated that the difficulty must be localized. He asked me if I really thought the situation serious. "Certainly," I answered, "because if what is happening is the result of due reflection, I do not understand why all means of retreat have been cut off."

All the evidence shows that Germany is ready to support Austria's attitude with unusual energy. The weakness which her Austro-Hungarian ally has shown for some years past, has weakened the confidence that was placed in her here. She was found heavy to drag along. Mischievous legal proceedings, such as the Agram and the Friedjung affairs, brought odium on her police and covered them with ridicule. All that

was asked of the police was that they should be strong; the conviction is that they were violent.

An article which appeared in the *Lokal Anzeiger* this evening shows also that at the German Chancery there exists a state of mind to which we in Paris are naturally not inclined to pay sufficient attention, I mean the feeling that monarchies must stand together (*sentiment de la solidarité monarchique*). I am convinced that great weight must be attached to this point of view in order to appreciate the attitude of the Emperor William, whose impressionable nature must have been affected by the assassination of a prince whose guest he had been a few days previously.

It is not less striking to notice the pains with which Herr von Jagow, and all the officials placed under his orders, pretend to every one that they were ignorant of the scope of the note sent by Austria to Servia.

JULES CAMBON.

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No. 31.

*M. Paléologue, French Ambassador at St. Petersburg, to M. Bienvenu-Martin, Acting Minister for Foreign Affairs*

ST. PETERSBURGH, July 24, 1914.

The Austro-Hungarian Ambassador has communicated to M. Sazonof a threatening note to Servia.

The intentions of the Emperor of Russia and his ministers could not be more pacific, a fact of which the President of the Republic and the President of the Council have been able to satisfy themselves directly; but the ultimatum which the Austro-Hungarian Government has just delivered to the Cabinet at Belgrade introduces a new and disquieting element into the situation.

Public opinion in Russia would not allow Austria to offer violence to Servia. The shortness of the time limit fixed by the ultimatum renders still more difficult the moderating influence that the Powers of the Triple Entente might exercise at Vienna.

On the other hand, M. Sazonof assumes that Germany will desire to support her ally and I am afraid that this impression is correct. Nothing but the assurance of the solidarity of the Triple Entente can prevent the German Powers from emphasizing their provocative attitude.

PALÉOLOGUE.

## No. 32.

*M. Paul Cambon, French Ambassador at London, to M. Bienvenu-Martin,  
Acting Minister for Foreign Affairs*

LONDON, July 24, 1914.

Sir Edward Grey having discussed with me his desire to leave no stone unturned to avert the crisis, we agreed in thinking that the English Cabinet might ask the German Government to take the initiative in approaching Vienna with the object of offering the mediation, between Austria and Servia, of the four Powers which are not directly interested. If Germany agrees, time will be gained, and this is the essential point.

Sir Edward Grey told me that he would discuss with Prince Lichnowsky the proposal I have just explained. I mentioned the matter to my Russian colleague, who is afraid of a surprise from Germany, and who imagines that Austria would not have despatched her ultimatum without previous agreement with Berlin.

Count Benckendorff told me that Prince Lichnowsky, when he returned from leave about a month ago, had intimated that he held pessimistic views regarding the relations between St. Petersburg and Berlin. He had observed the uneasiness caused in this latter capital by the rumors of a naval entente between Russia and England, by the Tsar's visit to Bucharest, and by the strengthening of the Russian army. Count Benckendorff had concluded from this that a war with Russia would be looked upon without disfavor in Germany.

The Under-Secretary of State has been struck, as all of us have been, by the anxious looks of Prince Lichnowsky since his return from Berlin, and he considers that if Germany had wished to do so she could have stopped the despatch of the ultimatum.

The situation, therefore, is as grave as it can be, and we see no way of arresting the course of events.

However, Count Benckendorff thinks it right to attempt the *démarche* upon which I have agreed with Sir Edward Grey. PAUL CAMBON.

## No. 33.

*M. Paul Cambon, French Ambassador at London, to M. Bienvenu-Martin,  
Acting Minister for Foreign Affairs*

LONDON, July 24, 1914.

The Servian Minister received to-night from M. Pashitch a telegram saying that the Austro-Hungarian Government had sent him their ul-



timatum, the time limit of which expires at 6 o'clock to-morrow, Saturday evening. M. Pashitch does not give the terms of the Austrian communication, but if it is of the nature reported in to-day's *Times*, it seems impossible for the Servian Government to accept it.

In consultation with my Russian colleague, who thinks it extremely difficult for his government not to support Serbia, we have been asking ourselves what intervention could avert the conflict.

Sir Edward Grey having summoned me for this afternoon, I propose to suggest that he should ask for the semi-official intervention of the German Government at Vienna to prevent a sudden attack.

PAUL CAMBON.

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No. 34.

*M. Bienvenu-Martin, Acting Minister for Foreign Affairs, to Stockholm (for the President of the Council), Belgrade, St. Petersburg, Berlin, Vienna, Rome*

PARIS, July 24, 1914.

The Austrian Ambassador having communicated his government's note to Sir Edward Grey, the latter observed that no such formidable declaration had ever been addressed by one government to another; he drew Count Mensdorff's attention to the responsibility assumed by Austria.

With the possibility of a conflict between Austria and Russia before him, Sir Edward Grey proposes to ask for the co-operation of the German Government with a view to the mediation of the four Powers who are not directly interested in the Servian question, namely, England, France, Italy and Germany; this mediation to be exercised simultaneously at Vienna and at St. Petersburg.

I advised the Servian Minister to act cautiously, and I am willing to co-operate in any conciliatory action at Vienna, in the hope that Austria will not insist on the acceptance of all her demands as against a small state, if the latter shows herself ready to give every satisfaction which is considered compatible with her independence and her sovereignty.

BIENVENU-MARTIN.

## No. 35.

*M. Jules Cambon, French Minister at Berlin, to M. Bienvenu-Martin,  
Acting Minister for Foreign Affairs*

BERLIN, July 25, 1914.

The Belgian Minister appears very anxious about the course of events.

He is of opinion that Austria and Germany have desired to take advantage of the fact that, owing to a combination of circumstances at the present moment, Russia and England appear to them to be threatened by domestic troubles, while in France the military law is under discussion. Moreover, he does not believe in the pretended ignorance of the Government of Berlin on the subject of Austria's *démarche*.

He thinks that if the form of it has not been submitted to the Cabinet at Berlin, the moment of its despatch has been cleverly chosen in consultation with that Cabinet in order to surprise the Triple Entente at a moment of disorganization.

He has seen the Italian Ambassador, who has just interrupted his holiday in order to return. It looks as if Italy would be surprised, to put it no higher, at having been kept out of the whole affair by her two allies.

JULES CAMBON.

## No. 36.

*M. Bienvenu-Martin, Acting Minister for Foreign Affairs, to Stockholm  
(for the President of the Council), and to London, Berlin, St. Petersburg,  
Vienna*

PARIS, July 25, 1914.

The German Ambassador came at 12 o'clock to protest against an article in the *Echo de Paris* which applied the term "German threat" (*menace allemande*) to his *démarche* of yesterday. Herr von Schoen told a certain number of journalists, and came to state at the *Direction Politique*, that there has been no "concert" between Austria and Germany in connection with the Austrian note, and that the German Government had no knowledge of this note when it was communicated to them at the same time as to the other Powers, though they had approved it subsequently.

Baron von Schoen added, moreover, that there was no "threat"; the German Government had merely indicated that they thought it desirable to localize the dispute, and that the intervention of other Powers ran the risk of aggravating it.

The Acting Political Director took note of Baron von Schoen's *démarche*. Having asked him to repeat the actual terms of the last two paragraphs of his note, he remarked to him that the terms showed the willingness of Germany to act as intermediary between the Powers and Austria. M. Berthelot added that, as no private information had been given to any journalist, the information in the *Echo de Paris* involved this newspaper alone, and merely showed that the German *démarche* appeared to have been known elsewhere than at the Quai d'Orsay, and apart from any action on his part. The German Ambassador did not take up the allusion.

On the other hand, the Austrian Ambassador at London also came to reassure Sir Edward Grey, telling him that the Austrian note did not constitute an "ultimatum" but "a demand for a reply with a time limit"; which meant that if the Austrian demands are not accepted by 6 o'clock this evening, the Austrian Minister will leave Belgrade and the Austro-Hungarian Government will begin military "preparations" but not military "operations."

The Cabinet of London, like those of Paris and St. Petersburg, has advised Belgrade to express regret for any complicity which might be established in the crime of Serajevo, and to promise the most complete satisfaction in this respect. The Cabinet added that in any case it was Serbia's business to reply in terms which the interests of the country appeared to call for. The English Minister at Belgrade is to consult his French and Russian colleagues, and, if these have had corresponding instructions in the matter, advise the Servian Government to give satisfaction on all the points on which they shall decide that they are able to do so.

Sir Edward Grey told Prince Lichnowsky (who, up to the present, has made no communication to him similar to that of Herr von Schoen at Paris) that if the Austrian note caused no difficulty between Austria and Russia, the English Government would not have to concern themselves with it, but that it was to be feared that the stiffness of the note and the shortness of the time limit would bring about a state of tension. Under these conditions the only chance that could be seen of avoiding a conflict would consist in the mediation of France, Germany, Italy

and England, Germany alone being able to influence the Government at Vienna in this direction.

The German Ambassador replied that he would transmit this suggestion to Berlin, but he gave the Russian Ambassador, who is a relative of his, to understand that Germany would not lend herself to any *démarche* at Vienna.

BIENVENU-MARTIN.

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No. 37.

*M. de Fleuriau, French Chargé d'Affaires at London, to M. Bienvenu-Martin, Acting Minister for Foreign Affairs*

LONDON, July 25, 1914.

The German Ambassador came to the Foreign Office to state that his government would refuse to interfere in the dispute between Austria and Servia.

Sir Edward Grey replied that without the co-operation of Germany at Vienna, England would not be able to take action at St. Petersburg. If, however, both Austria and Russia mobilized, that would certainly be the occasion for the four other Powers to intervene. Would the German Government then maintain its passive attitude, and would it refuse to join with England, France and Italy?

Prince Lichnowsky does not think so, since the question would no longer be one of difficulties between Vienna and Belgrade, but of a conflict between Vienna and St. Petersburg.

Sir Edward Grey added this observation, that if war eventually broke out, no Power in Europe would be able to take up a detached attitude (*pourrait s'en désintéresser*).

DE FLEURIAU.

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No. 38.

*M. Paléologue, French Ambassador at St. Petersburg, to M. Bienvenu-Martin, Acting Minister for Foreign Affairs*

ST. PETERSBURGH, July 25, 1914.

The Russian Government is about to endeavor to obtain from the Austro-Hungarian Government an extension of the time limit fixed by

the ultimatum, in order that the Powers may be able to form an opinion on the judicial *dossier*, the communication of which is offered to them.

M. Sazonof has asked the German Ambassador to point out to his government the danger of the situation, but he refrained from making any allusion to the measures which Russia would no doubt be led to take, if either the national independence or the territorial integrity of Servia were threatened. The evasive replies and the recriminations of Count de Pourtalès left an unfavorable impression on M. Sazonof.

The ministers will hold a council to-morrow with the Emperor presiding. M. Sazonof preserves complete moderation. "We must avoid," he said to me, "everything which might precipitate the crisis. I am of opinion that, even if the Austro-Hungarian Government come to blows with Servia, we ought not to break off negotiations."

PALÉOLOGUE.

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No. 39.

*M. Bienvenu-Martin, Acting Minister for Foreign Affairs, to M. Dumaine, French Ambassador at Vienna*

PARIS, July 25, 1914.

The Russian Government has instructed its representative at Vienna to ask the Austrian Government for an extension of the time limit fixed for Servia, so as to enable the Powers to form an opinion on the *dossier* which Austria has offered to communicate to them, and with a view to avoiding regrettable consequences for everyone.

A refusal of this demand by Austria-Hungary would deprive of all meaning the *démarche* which she made to the Powers by communicating her note to them, and would place her in a position of conflict with international ethics.

The Russian Government has asked that you should make a corresponding and urgent *démarche* to Count Berchtold. I beg you to support the request of your colleague. The Russian Government have sent the same request to London, Rome, Berlin and Bucharest.

BIENVENU-MARTIN.

## No. 40.

*M. de Fleuriau, French Chargé d'Affaires at London, to M. Bienvenu-Martin, Acting Minister for Foreign Affairs*

LONDON, July 25, 1914.

Sir Edward Grey has had communicated to him this morning the instructions which require the Russian Ambassador at Vienna to ask for an extension of the time limit given to Servia by Austria's note of the day before yesterday. M. Sazonof asked that the Russian *démarche* should be supported by the English Embassy.

Sir Edward Grey telegraphed to Sir M. de Bunsen to take the same action as his Russian colleague, and to refer to Austria's communication which was made to him late last night by Count Mensdorff, according to the terms of which the failure of Servia to comply with the conditions of the ultimatum would only result, as from to-day, in a diplomatic rupture and not in immediate military operations.

Sir Edward Grey inferred from this action that time would be left for the Powers to intervene and find means for averting the crisis.

DE FLEURIAU.

## No. 41.

*M. Jules Cambon, French Ambassador at Berlin, to M. Bienvenu-Martin, Acting Minister for Foreign Affairs*

BERLIN, July 25, 1914.

This morning the English Chargé d'Affaires, acting under instructions from his government, asked Herr von Jagow if Germany were willing to join with England, France and Italy with the object of intervening between Austria and Russia, to prevent a conflict and, in the first instance, to ask Vienna to grant an extension of the time limit imposed on Servia by the ultimatum.

The Secretary of State for Foreign Affairs replied that directly after the receipt of Prince Lichnowsky's despatch informing him of the intentions of Sir Edward Grey, he had already telegraphed this very morning to the German <sup>1</sup> Ambassador at Vienna to the effect that he should ask Count Berchtold for this extension. Unfortunately Count Berchtold is at Ischl. In any case, Herr von Jagow does not think that this request would be granted.

<sup>1</sup> In French text by an obvious error "de la Grande-Bretagne" is printed.

The English Chargé d'Affaires also enquired of Herr von Jagow, as I had done yesterday, if Germany had had no knowledge of the Austrian note before it was despatched, and he received so clear a reply in the negative that he was not able to carry the matter further; but he could not refrain from expressing his surprise at the blank cheque given by Germany to Austria.

Herr von Jagow having replied to him that the matter was a domestic one for Austria, he remarked that it had become essentially an international one.

JULES CAMBON.

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No. 42.

*M. Jules Cambon, French Ambassador at Berlin, to M. Bienvenu-Martin, Acting Minister for Foreign Affairs*

BERLIN, July 25, 1914.

The Russian Chargé d'Affaires has been instructed to ask the German Government to make strong representations to the Cabinet at Vienna, with a view to obtaining an extension of the time limit of the ultimatum.

Herr von Jagow not having made an appointment with him until late in the afternoon, that is to say, till the very moment when the ultimatum will expire, M. Broniewski sent an urgent note addressed to the Secretary of State in which he points out that the lateness of Austria's communication to the Powers makes the effect of this communication illusory, inasmuch as it does not give the Powers time to consider the facts brought to their notice before the expiration of the time limit. He insists very strongly on the necessity for extending the time limit, unless the intention be to create a serious crisis.

JULES CAMBON.

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No. 43.

*M. Jules Cambon, French Ambassador at Berlin, to M. Bienvenu-Martin, Acting Minister for Foreign Affairs*

BERLIN, July 25, 1914.

The Russian Chargé d'Affaires has, in accordance with his instructions, approached the Secretary of State with a view to securing an ex-

tension of the time limit of the ultimatum. Herr von Jagow replied that he had already transmitted to Vienna a suggestion of this nature, but that in his opinion all these *démarches* were too late.

M. Broniewski insisted that if the time limit could not be extended, action at least might be delayed so as to allow the Powers to exert themselves to avoid a conflict. He added that the Austrian note was couched in terms calculated to wound Serbia and to force her into war.

Herr von Jagow replied that there was no question of a war, but of an "*exécution*" in a local matter.

The Chargé d'Affaires in reply expressed regret that the German Government did not weigh their responsibilities in the event of hostilities breaking out, which might extend to the rest of Europe; to this Herr von Jagow replied that he refused to believe in such consequences.

The Russian Chargé d'Affaires, like myself, has heard the rumor that Austria, while declaring that she did not desire an annexation of territory, would occupy parts of Serbia until she had received complete satisfaction. "One knows," he said to me, "what this word 'satisfaction' means." M. Broniewski's impressions of Germany's ultimate intentions are very pessimistic.

JULES CAMBON.

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No. 44.

*M. Barrère, French Ambassador at Rome, to M. Bienvenu-Martin, Acting Minister for Foreign Affairs*

ROME, July 25, 1914.

The Russian Ambassador has carried out at the Consulta the *démarche* which M. Sazonof requested the representatives of Russia at Paris, Berlin, Rome and Bucharest to undertake, the object of which was to induce these various Cabinets to take action similar to that of Russia at Vienna, with a view of obtaining an extension of the time limit imposed on Serbia.

In the absence of the Marquis di San Giuliano, M. Salandra and M. di Martino replied that they would put themselves into communication with the Minister for Foreign Affairs, but that his reply could not reach them until towards 6 o'clock, that is to say, too late to take any step at Vienna.

BARRÈRE.



## No. 45.

*M. Dumaine, French Ambassador at Vienna, to M. Bienvenu-Martin,  
Acting Minister for Foreign Affairs*

VIENNA, July 25, 1914.

The Russian Chargé d'Affaires received instructions from his government to ask for an extended time limit for the ultimatum to Servia at the very moment that Count Berchtold was leaving for Ischl, with the intention, according to the newspapers, of remaining there near the Emperor until the end of the crisis.

Prince Koudacheff informed him nevertheless of the *démarche* which he had to carry out, by means of two telegrams *en clair*, one addressed to him on his journey and the other at his destination. He does not expect any result.

Baron Macchio, General Secretary of the Ministry for Foreign Affairs to whom the Prince communicated the tenor of his instructions and of his telegrams, behaved with icy coldness when it was represented to him that to submit for consideration grievances with documentary proofs without leaving time for the *dossier* to be studied, was not consonant with international courtesy. Baron Macchio replied that one's interests sometimes exempted one from being courteous.

The Austrian Government is determined to inflict humiliation on Servia; it will accept no intervention from any Power until the blow has been delivered and received full in the face by Servia.

DUMAINE.

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No. 46.

*M. Boppe, French Minister at Belgrade, to M. Bienvenu-Martin, Acting  
Minister for Foreign Affairs*

BELGRADE, July 25, 1914.

M. Pashitch has just acquainted me with the reply which will be sent this evening to the Austrian Minister.

The Servian Government agrees to publish to-morrow in the *Journal Officiel* the declaration which has been required of them; they will communicate it also to the army by means of an Order of the Day; they will dissolve the societies of national defence and all other associations which might agitate against Austria-Hungary; they undertake to modify the

press law, to dismiss from service in the army, in the ministry of public instruction and in the other government offices, all officials who shall be proved to have taken part in the propaganda; they only request that the names of these officials may be communicated to them.

As to the participation of Austrian officials in the enquiry, the government ask that an explanation of the manner in which this will be exercised may be given to them. They could accept no participation which conflicted with international law or with good and neighborly relations.

They accept all the other demands of the ultimatum and declare that if the Austro-Hungarian Government is not content with this, they are ready to refer the matter to the Hague Tribunal or to the decision of the great Powers who took part in the preparation of the declaration of March 31, 1909.

BOPPE.

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No. 47.

*M. Jules Cambon, French Ambassador at Berlin, to M. Bienvenu-Martin,  
Acting Minister for Foreign Affairs*

BERLIN, July 25, 1914.

Throughout the afternoon there has been a persistent rumor that Serbia had submitted to the Austrian demands. This evening the newspapers published extra editions which announce a rupture at Belgrade and the departure of the Austro-Hungarian Minister.

The correspondent of the *Agence Havas* at the Wilhelmstrasse has just received confirmation of this rumor. Large crowds consisting of several hundred persons are collecting here before the newspaper offices and a demonstration of numbers of young people has just passed through the Pariser-platz shouting cries of "Hurrah" for Germany, and singing patriotic songs. The demonstrators are visiting the *Siegessäul*, the Austrian and then the Italian Embassy. It is a significant outburst of chauvinism.

A German whom I saw this evening confessed to me that it had been feared here that Serbia would accept the whole Austrian note, reserving to herself the right to discuss the manner in which effect should be given to it, in order to gain time and to allow the efforts of the Powers to develop effectively before the rupture.

In financial circles measures are already being taken to meet every eventuality, for no means of averting the crisis is seen, in view of the determined support which Germany is giving to Austria.

I, for my part, see in England the only Power which might be listened to at Berlin.

Whatever happens, Paris, St. Petersburg and London will not succeed in maintaining peace with dignity unless they show a firm and absolutely united front.

JULES CAMBON.

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No. 48.

*M. Dumaine, French Ambassador at Vienna, to M. Bienvenu-Martin,  
Acting Minister for Foreign Affairs*

VIENNA, July 25, 1914.

Your telegram reaches me exactly at the moment when the time limit given to Servia expires. On the other hand I have just informed you under what conditions the Russian Chargé d'Affaires has had to carry out his *démarche*. It seems useless to support him when there is no longer any time for it.

During the afternoon a rumor spread that Servia had yielded to the ultimatum, while adding that she was appealing to the Powers against it. But the latest news is that at the last moment we are assured that the Austrian Minister has just left Belgrade hurriedly; he must have thought the Servian Government's acceptance of the conditions imposed by his government inadequate.

DUMAINE.

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No. 49.

*Reply of Servian Government to Austro-Hungarian Note*

Communicated by M. Vesnitch, Servian Minister, July 27)

[Here follows the text of the note, for which see No. 39 in Documents issued by the British Government, Supplement to this Journal for October, 1914, pp. 283-287.]

## CHAPTER IV

FROM THE RUPTURE OF DIPLOMATIC RELATIONS (JULY 25, 1914), TO  
THE DECLARATION OF WAR BY AUSTRIA ON SERBIA (JULY 28, 1914)

No. 50.

*M. Bienvenu-Martin, Acting Minister for Foreign Affairs, to the President of the Council (on board the "La France,") and to the French Ambassadors at London, St. Petersburg, Berlin, Vienna, Rome*

PARIS, July 26, 1914.

The events of Saturday can be summed up as follows: refusal of Austria to grant the extension of the time limit asked for by Russia,—departure of the Austrian Minister from Belgrade after receiving a reply from Serbia which was considered insufficient although it reached the limit of any possible concession—order for mobilization given in Serbia whose government retired to Kragoujewatz, where it was followed by the French and Russian Ministers.

The Italian Government, to whom the Austrian note had been communicated on Friday, without any request for support or even advice, could not, in the absence of the Marquis di San Giuliano, who does not return till Tuesday, make any reply to the suggestion of the Russian Government proposing to press at Vienna for an extension of time. It appears from a confidential communication by the Italian Ambassador to M. Paléologue that at Vienna people still soothe themselves with the illusion that Russia "will not hold firm." It must not be forgotten that Italy is only bound by the engagements of the Triple Alliance if she has been consulted beforehand.

From St. Petersburg we learn that M. Sazonof has advised Serbia to ask for English mediation. At the Council of Ministers on the 25th, which was held in presence of the Emperor, the mobilization of thirteen army corps intended eventually to operate against Austria was considered; this mobilization, however, would only be made effective if Austria were to bring armed pressure to bear upon Serbia, and not till after notice had been given by the Minister for Foreign Affairs, upon whom falls the duty of fixing the day, liberty being left to him to go on with negotiations even if Belgrade should be occupied. Russian opinion

makes clear that it is both politically and morally impossible for Russia to allow Serbia to be crushed.

In London the German *démarche* was made on the 25th in the same terms as those used by Baron von Schoen at Paris. Sir Edward Grey has replied to Prince Lichnowsky that if the war were to break out no Power in Europe could take up a detached attitude. He did not express himself more definitely and used very reserved language to the Servian Minister. The communication made on the evening of the 25th by the Austrian Ambassador makes Sir Edward Grey more optimistic; since the diplomatic rupture does not necessarily involve immediate military operations, the Secretary of State is still willing to hope that the Powers will have time to intervene.

At Berlin the language used by the Secretary of State to the Russian Chargé d'Affaires is unsatisfactory and dilatory; when the latter asked him to associate himself with a *démarche* at Vienna for an extension of the time limit, he replied that he had already taken action in this sense but that it was too late; to the request for an extension of the time limit before active measures were taken, he replied that this had to do with a domestic matter, and not with a war but with local operations. Herr von Jagow pretends not to believe that the Austrian action could lead to general consequences.

A real explosion of chauvinism has taken place at Berlin. The German Emperor returns direct to Kiel. M. Jules Cambon thinks that, at the first military steps taken by Russia, Germany would immediately reply, and probably would not wait for a pretext before attacking us.

At Vienna, the French Ambassador has not had time to join in the *démarche* of his Russian colleague for obtaining an extension of the time limit fixed for Serbia; he does not regret it, this *démarche* having been categorically rejected, and England not having had time to give instructions to her representative about it.

A note from the English Embassy has been delivered to me: it gives an account of the conversation between the British Ambassador at St. Petersburg and M. Sazonof and M. Paléologue. Sir Edward Grey thinks that the four Powers who are not directly interested ought to press both on Russian and Austria that their armies should not cross the frontier, and that they should give time to England, France, Germany and Italy to bring their mediation into play. If Germany accepts, the English Government has reason to think that Italy also would be glad to be associated in the joint action of England and France; the adherence

of Germany is essential, for neither Austria nor Russia would tolerate any intervention except that of impartial friends or allies.

BIENVENU-MARTIN.

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No. 51.

*M. Barrère, French Ambassador at Rome, to M. Bienvenu-Martin, Acting Minister for Foreign Affairs*

ROME, July 26, 1914.

A telegram from Vienna which has just been received at the Consulta informs them that the diplomatic rupture between Austria and Servia has taken place, and that Austria is proceeding to military measures.

The Marquis di San Giuliano, who is at Fiuggi, will not return to Rome till the day after to-morrow.

To-day I had an interesting conversation with the President of the Council on the situation, the full gravity of which he recognizes. From the general drift of his remarks, I have carried away the impression that the Italian Government would be willing, in case of war, to keep out of it and to maintain an attitude of observation.

M. Salandra said to me on this subject: "We shall make the greatest efforts to prevent peace being broken; our situation is somewhat analogous to that of England. Perhaps we could do something in a pacific sense together with the English." M. Salandra stated definitely to me that the Austrian note had been communicated to Rome at the last moment.

BARRÈRE.

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No. 52.

*M. Barrère, French Ambassador at Rome, to M. Bienvenu-Martin, Acting Minister for Foreign Affairs*

ROME, July 26, 1914.

M. Sazonof yesterday told the Italian Ambassador at St. Petersburg that Russia would employ all diplomatic means to avoid a conflict, and that she did not give up hope that mediation might lead Austria to a less uncompromising attitude but that Russia could not be asked to allow Servia to be crushed.

I observe that the greater part of Italian public opinion is hostile to Austria in this serious business.

BARRÈRE.

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No. 53.

*M. Bienvenu-Martin, Acting Minister for Foreign Affairs, to M. de Fleuriau, Chargé d'Affaires at London*

PARIS, July 26, 1914.

M. Paléologue sends me the following telegram:—

“M. Sazonof advises the Servian Government to ask for the mediation of the British Government.”

In concurrence with M. Paul Cambon, I think that the French Government can only say that they hope to see the English Government accept, if an offer of this kind is made to them.

Be good enough to express yourself in this sense at the Foreign Office.

BIENVENU-MARTIN.

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No. 54.

*M. Paléologue, French Ambassador at St. Petersburg, to M. Bienvenu-Martin, Acting Minister for Foreign Affairs*

ST. PETERSBURGH, July 26, 1914.

The Minister for Foreign Affairs continues with praiseworthy perseverance to seek means to bring about a peaceful solution. “Up to the last moment,” he declared to me, “I shall show myself ready to negotiate.”

It is in this spirit that he has just sent for Count Szápáry to come to a “frank and loyal explanation.” M. Sazonof commented in his presence on the Austro-Hungarian ultimatum, article by article, making clear the insulting character of the principal clauses. “The intention which inspired this document,” he said, “is legitimate if you pursued no aim other than the protection of your territory against the intrigues of Servian anarchists; but the procedure to which you have had recourse is not defensible.” He concluded: “Take back your ultimatum, modify its form, and I will guarantee you the result.”

The Austro-Hungarian Ambassador showed himself moved by this language; however, while awaiting instructions, he reserves the opinion

of his government. Without being discouraged M. Sazonof has decided to propose this evening to Count Berchtold the opening of direct conversations between Vienna and St. Petersburg on the changes to be introduced into the ultimatum.

This friendly and semi-official interposition of Russia between Austria and Servia has the advantage of being expeditious. I therefore believe it to be preferable to any other procedure and likely to succeed.

PALÉOLOGUE.

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No. 55.

*M. Dumaine, French Ambassador at Vienna, to M. Bienvenu-Martin,  
Acting Minister for Foreign Affairs*

VIENNA, July 26, 1914.

M. Schebeko has returned hastily from a journey to Russia; he had only undertaken it after he had received an assurance from Count Berchtold that the demands on Servia would be thoroughly acceptable.

The Austro-Hungarian Ambassador at St. Petersburg spoke in the same sense to M. Sazonof the evening before the delivery of the note. This procedure, which is quite usual in the diplomacy of the Monarchy, and which Baron Macchio has also employed towards me, seems to have greatly added to the irritation of the Russian Government.

M. Schebeko will make an effort, however, to profit by the delay which is indispensable for mobilization, in order to make a proposal for an arrangement, which will at least have the advantage of allowing us to measure the value of the pacific declarations of Germany.

While we were talking over the situation this evening, in company with Sir M. de Bunsen, the latter received instructions from the Foreign Office with reference to the *démarche* to be attempted by the representatives of the four Powers less directly interested. I am expecting, therefore, that we may have to consult to-morrow with the Duke d'Avarna and with M. Tschirscky, who, in order to refuse his concurrence, will almost certainly entrench himself behind the principle of localizing the conflict.

My impression is that the Austro-Hungarian Government, although surprised and perhaps regretting the vigor with which they have been inspired, will believe themselves obliged to commence military action.

DUMAINE.



## No. 56.

*M. Bienvenu-Martin, Acting Minister for Foreign Affairs, to the President of the Council (on board the "La France,") and to the French Ambassadors at London, St. Petersburg, Berlin, Vienna, Rome*

PARIS, July 26, 1914.

The summary of the Servian reply to the Austrian note only reached us after twenty hours delay. Although the Servian Government had given way on all points, with the exception of two small reservations, the Austro-Hungarian Minister has broken off relations, thus proving the determined wish of his government to proceed to execution on Servia.

According to a telegram from M. Jules Cambon, the English Ambassador thinks that there is a slight yielding; when he observed to Herr von Jagow that Sir Edward Grey did not ask him to intervene between Austria and Servia, but, as this question ceased to be localized, to intervene with England, France and Italy at Vienna and St. Petersburg, the Secretary of State declared that he would do his best to maintain peace.

In the course of an interview between M. Barrère and the General Secretary of the Italian Ministry for Foreign Affairs, the latter indicated that probably the Italian Government would not have approved the Austrian note; but as it was not communicated to them beforehand, the government consider themselves by this fact relieved of all responsibility in the grave step taken by Austria.

The German Ambassador came this afternoon to make a communication to me relating to an intervention by France with Russia in a pacific sense. "Austria," he said to me, "has declared to Russia that she was not pursuing any territorial aggrandizement nor any attack on the integrity of the Kingdom of Servia; her only intention is to ensure her own tranquillity and to take police measures. The prevention of war depends on the decision of Russia; Germany feels herself identified with France in the ardent desire that peace may be maintained, and has the firm hope that France will use her influence in this sense at St. Petersburg."

I replied to this suggestion that Russia was moderate, that she had not committed any act which allowed any doubt as to her moderation, and that we were in agreement with her in seeking a peaceful solution of the dispute. It therefore appeared to us that Germany on her side

ought to act at Vienna, where her action would certainly be effective, with a view to avoiding military operations leading to the occupation of Servia.

The ambassador having observed to me that this could not be reconciled with the position taken up by Germany "that the question concerned only Austria and Servia," I told him that the mediation at Vienna and St. Petersburg could be the act of the four other Powers less interested in the question.

Herr von Schoen then entrenched himself behind his lack of instructions in this respect, and I told him that in these conditions I did not feel myself in a position to take any action at St. Petersburg alone.

The conversation ended by the renewed assurances of the ambassador of the peaceful intention of Germany, whom he declared to be on this point identified with France.

BIENVENU-MARTIN.

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No. 57.

*Note for the Minister*

PARIS, *Sunday evening, July 26, 1914.*

After the visit which he paid to the Minister at 5 o'clock in the afternoon, Baron von Schoen went this evening at 7 o'clock to the *Direction Politique*, to ask that in order to avoid the appearance in the newspapers of comments intended to influence public opinion, such as that in the *Echo de Paris* of the evening before, and in order to define exactly the sense of the *démarches* of the German Government, a brief statement should be communicated to the press on the interview between the German Ambassador and the Minister for Foreign Affairs.

Herr von Schoen, in order to define what he had in his mind, suggested the following terms, which the Acting Political Director took down at his dictation: "During the afternoon the German Ambassador and the Minister for Foreign Affairs had a fresh interview, in the course of which, in the most amicable spirit, and acting in an identical spirit of peaceful co-operation (*sentiment de solidarité pacifique*), they examined the means which might be employed to maintain general peace."

The Acting Political Director replied at once, "Then, in your opinion, every thing is settled, and you bring us the assurance that Austria ac-

cepts the Servian note or will enter into conversations with the Powers on this matter?" The Ambassador having appeared surprised and having vigorously denied the suggestion, it was explained to him that if there was no modification in Germany's negative attitude, the terms of the suggested "note to the press" were exaggerated, and of a nature to give a false security to French opinion by creating illusion on the real situation, the dangers of which were only too evident.

To the assurances lavished by the German Ambassador as to the optimistic impressions which he had formed, the Acting Political Director replied by asking if he might speak to him in a manner quite personal and private, as man to man, quite freely and without regard to their respective functions. Baron von Schoen asked him to do so.

M. Berthelot then said that to any simple mind Germany's attitude was inexplicable if it did not aim at war; a purely objective analysis of the facts and the psychology of the Austro-German relations led logically to this conclusion. In the face of the repeated statement that Germany was ignorant of the contents of the Austrian note, it was no longer permissible to raise any doubt on that point; but was it probable that Germany would have arrayed herself on the side of Austria in such an adventure with her eyes closed? Did the psychology of all the past relations of Vienna and Berlin allow one to admit that Austria could have taken up a position without any possible retreat, before having weighed with her ally all the consequences of her uncompromising attitude? How surprising appeared the refusal by Germany to exercise mediating influence at Vienna now that she knew the extraordinary text of the Austrian note! What responsibility was the German Government assuming and what suspicions would rest upon them if they persisted in interposing between Austria and the Powers, after what might be called the absolute submission of Servia, and when the slightest advice given by them to Vienna would put an end to the nightmare which weighed on Europe!

The breaking off of diplomatic relations by Austria, her threats of war, and the mobilization which she was undertaking make peculiarly urgent pacific action on the part of Germany, for from the day when Austrian troops crossed the Servian frontier, one would be faced by an act which without doubt would oblige the St. Petersburg Cabinet to intervene, and would risk the unloosing of a war which Germany declares that she wishes to avoid.

Herr von Schoen, who listened smiling, once more affirmed that

Germany had been ignorant of the text of the Austrian note,<sup>1</sup> and had only approved it after its delivery; she thought, however, that Serbia had need of a lesson severe enough for her not to be able to forget it, and that Austria owed it to herself to put an end to a situation which was dangerous and intolerable for a great Power. He declared besides that he did not know the text of the Servian reply, and showed his personal surprise that it had not satisfied Austria, if indeed it was such as the papers, which are often ill informed, represented it to be.

He insisted again on Germany's peaceful intentions and gave his impressions as to the effect that might arise from good advice given, for instance, at Vienna, by England in a friendly tone. According to him Austria was not uncompromising; what she rejects is the idea of a formal mediation, the "spectre" of a conference: a peaceful word coming from St. Petersburg, good words said in a conciliatory tone by the Powers of the Triple Entente, would have a chance of being well received. He added, finally, that he did not say that Germany on her side would not give some advice at Vienna.

In these conditions the Political Director announced that he would ask the Minister if it appeared to him opportune to communicate to the press a short note in a moderate tone.

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No. 58.

*M. Chevalley, French Minister at Christiania, to M. Bienvenu-Martin,  
Acting Minister for Foreign Affairs*

CHRISTIANIA, July 26, 1914.

The whole German fleet in Norway has received orders to put to sea. The German authorities at Bergen declare that it is to make straight for Germany.

<sup>1</sup> Cf. No. 21. Letter from the French Minister in Munich stating that the Bavarian President of the Council said, on July 23, that he had read the Austrian note to Serbia.

Cf. also the English Blue Book, No. 95, in which Sir M. de Bunsen, English Ambassador at Vienna, states:—

"Although I am not able to verify it, I have private information that the German Ambassador knew the text of the Austrian ultimatum to Serbia before it was despatched and telegraphed it to the German Emperor. I know from the German Ambassador himself that he endorses every line of it."

German ships scattered in the Fjords to the north of Bergen were to join those which are in the neighborhood of Stavanger.

CHEVALLEY.

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No. 59.

*M. d'Annoville, French Chargé d'Affaires at Luxemburg, to M. Bienvenu-Martin, Acting Minister for Foreign Affairs.*

LUXEMBURG, July 26, 1914.

According to information which I have just received from Thionville, the four last classes set at liberty have been ordered to hold themselves at the disposition of the *Kommandatur* at any moment.

Without being completely mobilized the reservists are forbidden to go away from their place of residence.

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No. 60.

*M. Farges, French Consul-General at Basle, to M. Bienvenu-Martin, Acting Minister for Foreign Affairs*

BASLE, July 27, 1914.

Four days ago the German officers on leave in this district received orders to break off their leave and return to Germany.

Moreover, I learn from two reliable sources that warning has been given to persons owning motor cars in the Grand Duchy of Baden to prepare to place them at the disposal of the military authorities, two days after a fresh order. Secrecy on the subject of this warning has been directed under penalty of a fine.

The population of Basle is very uneasy, and banking facilities are restricted.

FARGES.

## No. 61.

*M. Bienvenu-Martin, Acting Minister for Foreign Affairs, to M. Jules Cambon, French Ambassador at Berlin, on board the "La France" (for the President of the Council) and to the French Ambassadors at London, St. Petersburg, Vienna, Rome*

PARIS, July 27, 1914.

The three steps taken by the German Ambassador at Paris seem characteristic: on Friday he reads a note in which the German Government categorically place themselves between Austria and the Powers, approving the Austrian ultimatum to Serbia, and adding that "Germany warmly desires that the dispute should remain localized, since any intervention of another party must through the play of its alliances provoke incalculable consequences;" the second day, Saturday, the effect having been produced, and the Powers having, on account of the surprise, the shortness of the time-limit, and the risks of general war, advised Serbia to yield, Herr von Schoen returns to minimize this step, pretending to be astonished at the impression produced, and protests that intentions are attributed to Germany which she does not harbor, "since," he says, "there was neither concert before nor threat afterwards;" the third day, Sunday, the result having been obtained, since Serbia has yielded, as one might almost say, to all the Austrian demands, the German Ambassador appears on two occasions to insist on Germany's peaceful intentions, and on her warm desire to co-operate in the maintenance of peace, after having registered the Austrian success which closes the first phase of the crisis.

The situation at the moment of writing remains disturbing, on account of the incomprehensible refusal of Austria to accept Serbia's submission, of her operations of mobilization, and of her threats to invade Serbia. The attitude taken up from the beginning by the Austrian Government, with German support, her refusal to accept any conversation with the Powers, practically do not allow the latter to intervene effectively with Austria without the mediation of Germany. However, time presses, for if the Austrian army crosses the frontier it will be very difficult to circumscribe the crisis, Russia not appearing to be able to tolerate the occupation of Serbia after the latter has in reality submitted to the Austrian note, giving every satisfaction and guarantee. Germany, from the very fact of the position taken up by her, is qualified to intervene effectively and be listened to at Vienna; if

she does not do this she justifies all suspicions and assumes the responsibility for the war.

The Powers, particularly Russia, France, and England, have by their urgent advice induced Belgrade to yield; they have thus fulfilled their part; now it is for Germany, who is alone able to gain a rapid hearing at Vienna, to give advice to Austria, who has obtained satisfaction and cannot, for a detail easy to adjust, bring about a general war.

It is in these circumstances that the proposal made by the Cabinet of London is put forward; M. Sazonof having said to the British Ambassador that as a consequence of the appeal of Servia to the Powers, Russia would agree to stand aside, Sir Edward Grey has formulated the following suggestion to the Cabinets of Paris, Berlin and Rome; the French, German and Italian Ambassadors at London would be instructed to seek with Sir Edward Grey a means of resolving the present difficulties, it being understood that during this conversation Russia, Austria and Servia would abstain from all active military operations. Sir A. Nicolson has spoken of this suggestion to the German Ambassador, who showed himself favorable to it; it will be equally well received in Paris, and also at Rome, according to all probability. Here again it is Germany's turn to speak, and she has an opportunity to show her good will by other means than words.

I would ask you to come to an understanding with your English colleague, and to support his proposal with the German Government in whatever form appears to you opportune.

BIENVENU-MARTIN.

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No. 62.

*M. Bienvenu-Martin, Acting Minister for Foreign Affairs, to the President of the Council (on board the "La France") and to the French Ambassadors at London, St. Petersburg, Berlin, Vienna*

PARIS, July 27, 1914.

After his *démarche* of yesterday tending to an intervention by France at St. Petersburg in favor of peace, the German Ambassador returned, as I have informed you, to the *Direction Politique* on the pretext that it might be desirable to communicate to the press a short note indicating the peaceful and friendly sense of the conversation; he even suggested the following terms: "During the afternoon the German Ambassador

and the Minister for Foreign Affairs had a fresh interview, in the course of which, in the most amicable spirit and acting in an identical spirit of peaceful co-operation, they examined the means which might be employed to maintain general peace." He was told in answer, that the terms appeared exaggerated and of a nature to create in public opinion illusions on the real situation; that, however, a brief note in the sense indicated, that is to say, giving an account of a conversation at which the means employed to safeguard peace, had been examined, might be issued if I approved it.

The note communicated was as follows: "The German Ambassador and the Minister for Foreign Affairs have had a fresh interview, in the course of which they sought means of action by the Powers for the maintenance of peace." This phrasing, deliberately terse, avoided an appearance of solidarity with Germany which might have been misinterpreted.

This morning Herr von Schoen addressed a private letter to the Political Director under pretext of resuming his interview with the Minister, and has added: "Note well the phrase in an identical spirit of peaceful co-operation. This is not an idle phrase, but the sincere expression of the truth." The summary annexed to the letter was drawn up as follows: "The Cabinet of Vienna has, formally and officially, caused it to be declared to that of St. Petersburg, that it does not seek any territorial acquisition in Servia, and that it has no intention of making any attempt against the integrity of the kingdom; its sole intention is that of assuring its own tranquillity. At this moment the decision whether a European war must break out depends solely on Russia. The German Government have firm confidence that the French Government, with which they know that they are at one in the warm desire that European peace should be able to be maintained, will use their whole influence with the Cabinet of St. Petersburg in a pacific spirit."

I have let you know the reply which has been given (a French *démarche* at St. Petersburg would be misunderstood, and must have as corollary a German *démarche* at Vienna, or, failing that, mediation by the four less interested Powers in both capitals).

Herr von Schoen's letter is capable of different interpretations; the most probable is that it has for its object, like his *démarche* itself, an attempt to compromise France with Russia and, in case of failure, to throw the responsibility for an eventual war on Russia and on France;



finally, by pacific assurances which have not been listened to, to mask military action by Austria in Serbia intended to complete the success of Austria.

I communicate this news to you by way of information and for any useful purpose you can put it to. BIENVENU-MARTIN.

No. 63.

*M. de Fleuriau, French Chargé d'Affaires at London, to M. Bienvenu-Martin, Acting Minister for Foreign Affairs*

LONDON, July 27, 1914.

The German Ambassador and the Austro-Hungarian Ambassador allow it to be understood that they are sure that England would preserve neutrality if a conflict were to break out. Sir Arthur Nicolson has told me, however, that Prince Lichnowsky cannot, after the conversation which he has had with him to-day, entertain any doubt as to the freedom which the British Government intended to preserve of intervening in case they should judge it expedient.

The German Ambassador will not have failed to be struck with this declaration, but to make its weight felt in Germany and to avoid a conflict, it seems indispensable that the latter should be brought to know for certain that they will find England and Russia by the side of France. DE FLEURIAU.

No. 64.

*M. Paléologue, French Ambassador at St. Petersburg, to M. Bienvenu-Martin, Acting Minister for Foreign Affairs*

ST. PETERSBURGH, July 27, 1914.

M. Sazonof has used conciliatory language to all my colleagues.

In spite of the public excitement, the Russian Government is applying itself successfully to restraining the press; in particular great moderation towards Germany has been recommended.

M. Sazonof has not received any information from Vienna or from Berlin since yesterday. PALÉOLOGUE.

## No. 65.

*M. Bompard, French Ambassador at Constantinople, to M. Bienvenu-Martin, Acting Minister for Foreign Affairs*

Therapia, July 27, 1914.

The Austro-Servian conflict holds the attention of the Ottoman Government, and the Turks are delighted at the misfortunes of Serbia, but people here generally are led to believe that the conflict will remain localized. It is generally thought that once again Russia will not intervene in favor of Serbia in circumstances which would extend the armed conflict.

The unanimous feeling in Ottoman political circles is that Austria, with the support of Germany, will attain her objects and that she will make Serbia follow Bulgaria and enter into the orbit of the Triple Alliance.

BOMPARD.

## No. 66.

*M. de Fleuriau, French Chargé d'Affaires at London, to M. Bienvenu-Martin, Acting Minister for Foreign Affairs*

London, July 27, 1914.

Sir Edward Grey told the German Ambassador this morning that if Austria were to invade Serbia after the Servian reply, she would make it clear that she was not merely aiming at the settlement of the questions mentioned in her note of July 23, but that she wished to crush a small state. "Then," he added, "a European question would arise, and war would follow in which other Powers would be led to take a part."

The attitude of Great Britain is confirmed by the postponement of the demobilization of the fleet. The First Lord of the Admiralty took this measure quietly on Friday on his own initiative; to-night, Sir Edward Grey and his colleagues decided to make it public. This result is due to the conciliatory attitude of Serbia and Russia.

DE FLEURIAU.

## No. 67.

*M. Jules Cambon, French Ambassador at Berlin, to M. Bienvenu-Martin, Acting Minister for Foreign Affairs*

Berlin, July 27, 1914.

To-day I have had a conversation with the Secretary of State on the proposal by England that Germany should join the Cabinets of London,

Paris and Rome to prevent hostilities between St. Petersburg and Vienna.

I remarked to him that Sir Edward Grey's proposal opened the way to a peaceful issue. Herr von Jagow replied that he was disposed to join in, but he remarked to me that, if Russia mobilized, Germany would be obliged to mobilize at once, that we should be forced to the same course also, and that then a conflict would be almost inevitable. I asked him if Germany would regard herself as bound to mobilize in the event of Russia mobilizing only on the Austrian frontier; he told me "No," and authorized me formally to communicate this limitation to you. He also attached the greatest importance to an intervention with Russia by the Powers which were friendly with and allied to her.

Finally, he remarked that if Russia attacked Austria, Germany would be obliged to attack at once on her side. The intervention proposed by England at St. Petersburg and Vienna could, in his opinion, only come into operation if events were not precipitated. In that case, he does not despair that it might succeed. I expressed my regret that Austria, by her uncompromising attitude had led Europe to the difficult pass through which we were going, but I expressed the hope that intervention would have its effect.

JULES CAMBON.

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No. 68.

*M. de Fleuriau, French Chargé d'Affaires at London, to M. Bienvenu-Martin, Acting Minister for Foreign Affairs*

LONDON, July 27, 1914.

Yesterday in the course of a conversation between M. Sazonof, M. Paléologue and Sir G. Buchanan, the Russian Minister said that Servia was disposed to appeal to the Powers, and that in that case his government would be prepared to stand aside.

Sir E. Grey has taken these words as a text on which to formulate to the Cabinets of Paris, Berlin, and Rome a proposal with which Sir Francis Bertie will acquaint your excellency. The four Powers would intervene in the dispute, and the French, German, and Italian Ambassadors at London would be instructed to seek, with Sir E. Grey, a means of solving the present difficulties.

It would be understood that, during the sittings of this little confer-

ence, Russia, Austria and Servia would abstain from all active military operations. Sir A. Nicolson has spoken of this suggestion to the German Ambassador, who has shown himself favorable to it.

DE FLEURIAU.

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No. 69.

*M. de Fleuriau, French Chargé d'Affaires at London, to M. Bienvenu-Martin, Acting Minister for Foreign Affairs*

LONDON, July 27, 1914.

The Servian Minister has not received instructions from his government to ask for the mediation of England; it is, however, possible that the telegrams from his government have been stopped on the way.

However, the English proposal for intervention by the four Powers intimated in my preceding telegram has been put forward, and ought I think to be supported in the first place.

DE FLEURIAU.

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No. 70.

*M. Bienvenu-Martin, Acting Minister for Foreign Affairs, to M. de Fleuriau, French Chargé d'Affaires at London*

PARIS, July 27, 1914.

The English Ambassador has communicated to me Sir E. Grey's proposal for common action by England, Germany, France and Italy at Vienna, Belgrade and St. Petersburg, to stop active military operations while the German, Italian and French Ambassadors at London examine, with Sir Edward Grey, the means of finding a solution for the present complications.

I have this morning directed M. Jules Cambon to talk this over with the English Ambassador at Berlin, and to support his *démarche* in whatever form he should judge suitable.

I authorize you to take part in the meeting proposed by Sir E. Grey. I am also ready to give to our representatives at Vienna, St. Petersburg and Belgrade, instructions in the sense asked for by the English Government.

At the same time I think that the chances of success of Sir E. Grey's

proposal depend essentially on the action that Berlin would be disposed to take at Vienna; a *démarche* from this side, promoted with a view to obtain a suspension of military operations, would appear to me doomed to failure if Germany's influence were not first exercised.

I have also noted, during Baron Von Schoen's observations, that the Austro-Hungarian Government was particularly susceptible when the words "mediation," "intervention," "conference" were used, and was more willing to admit "friendly advice" and "conversations."

BIENVENU-MARTIN.

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No. 71.

*M. de Fleuriau, French Chargé d'Affaires at London, to M. Bienvenu-Martin, Acting Minister for Foreign Affairs*

LONDON, July 27, 1914.

I have communicated to Sir Edward Grey your adherence to his proposal for mediation by the four Powers and for a conference at London. The British Ambassador at Vienna has received the necessary instructions to inform the Austro-Hungarian Government as soon as his French, German, and Italian colleagues are authorized to make the same *démarche*.

The Italian Government have accepted intervention by the four Powers with a view to prevent military operations; they are consulting the German Government on the proposal for a conference and the procedure to be followed with regard to the Austro-Hungarian Government. The German Government have not yet replied.

DE FLEURIAU.

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No. 72.

*M. Barrère, French Ambassador at Rome, to M. Bienvenu-Martin, Acting Minister for Foreign Affairs*

ROME, July 27, 1914.

The Marquis di San Giuliano has returned to Rome this evening, and I saw him immediately after his arrival. He spoke to me of the contents of the Austrian note, and formally assured me that he had not had any previous knowledge of it.

He knew, indeed, that this note was to have a rigorous and forcible character; but he had not suspected that it could take such a form. I asked him if it was true that he had given at Vienna, as certain papers allege, an approval of the Austrian action and an assurance that Italy would fulfil her duties as an ally towards Austria. "In no way:" the Minister replied: "we were not consulted; we were told nothing; it was not for us then to make any such communication to Vienna."

The Marquis di San Giuliano thinks that Servia would have acted more wisely if she had accepted the note in its entirety; to-day he still thinks that this would be the only thing to do, being convinced that Austria will not withdraw any of her claims, and will maintain them, even at the risk of bringing about a general conflagration; he doubts whether Germany is disposed to lend herself to any pressure on her ally. He asserts, however, that Germany at this moment attaches great importance to her relations with London, and he believes that if any Power can determine Berlin in favor of peaceful action, it is England.

As for Italy she will continue to make every effort in favor of peace. It is with this end in view, that he has adhered without hesitation to Sir Edward Grey's proposal for a meeting in London of the Ambassadors of those Powers which are not directly interested in the Austro-Servian dispute.

BARRÈRE.

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No. 73.

*M. Jules Cambon, French Ambassador at Berlin, to M. Bienvenu-Martin,  
Acting Minister for Foreign Affairs*

BERLIN, July 27, 1914.

The English Ambassador, who returned to-day, saw the Secretary of State and discussed with him Sir Edward Grey's proposal. In his reply Herr von Jagow continued to manifest his desire for peace, but added that he could not consent to anything which would resemble a conference of the Powers; that would be to set up a kind of court of arbitration, the idea of which would only be acceptable if it were asked for by Vienna and St. Petersburg. Herr von Jagow's language confirms that used by Baron von Schoen to your excellency.

In fact, a *démarche* by the four Powers at Vienna and St. Petersburg

could be brought about by diplomatic means without assuming the form of a conference and it is susceptible of many modifications; the important thing is to make clear at Vienna and at St. Petersburg the common desire of the four Powers that a conflict should be avoided. A peaceful issue from the present difficulties can only be found by gaining time.

JULES CAMBON.

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No. 74.

*M. Jules Cambon, French Ambassador at Berlin, to M. Bienvenu-Martin,  
Acting Minister for Foreign Affairs*

BERLIN, July 27, 1914.

I had a conversation yesterday with the Secretary of State and gave support to the *démarche* which Sir E. Goschen had just made.

Herr von Jagow replied to me, as he had to the English Ambassador, that he could not accept the proposal that the Italian, French and German Ambassadors should be instructed to endeavor to find with Sir Edward Grey a method of resolving the present difficulties, because that would be to set up a real conference to deal with the affairs of Austria and Russia.

I replied to Herr von Jagow that I regretted his answer, but that the great object which Sir Edward Grey had in view went beyond any question of form; that what was important was the co-operation of England and France with Germany and Italy in a work of peace; that this co-operation could take effect through common *démarches* at St. Petersburg and at Vienna; that he had often expressed to me his regret at seeing the two allied groups always opposed to one another in Europe; that there was here an opportunity of proving that there was a European spirit, by showing four Powers belonging to the two groups acting in common agreement to prevent a conflict.

Herr von Jagow evaded the point by saying that Germany had engagements with Austria. I observed to him that the relations of Germany with Vienna were no closer than those of France with Russia, and that it was he himself who actually was putting the two groups of allies in opposition.

The Secretary of State then said to me that he was not refusing to act so as to keep off an Austro-Russian dispute, but that he could not

intervene in the Austro-Servian dispute. "The one is the consequence of the other," I said, "and it is a question of preventing the appearance of a new factor of such a nature as to lead to intervention by Russia."

As the Secretary of State persisted in saying that he was obliged to keep his engagements towards Austria, I asked him if he was bound to follow her everywhere with his eyes blindfolded, and if he had taken note of the reply of Servia to Austria which the Servian Chargé d'Affaires had delivered to him this morning. "I have not yet had time," he said. "I regret it. You would see that except on some points of detail Servia has yielded entirely. It appears then that, since Austria has obtained the satisfaction which your support has procured for her, you might to-day advise her to be content or to examine with Servia the terms of her reply."

As Herr von Jagow gave me no clear reply, I asked him whether Germany wished for war. He protested energetically, saying that he knew what was in my mind, but that it was wholly incorrect. "You must then," I replied, "act consistently. When you read the Servian reply, I entreat you in the name of humanity to weigh the terms in your conscience, and do not personally assume a part of the responsibility for the catastrophe which you are allowing to be prepared." Herr von Jagow protested anew, adding that he was ready to join England and France in a common effort, but that it was necessary to find a form for this intervention which he could accept, and that the Cabinets must come to an understanding on this point.

"For the rest," he added, "direct conversations between Vienna and St. Petersburg have been entered upon and are in progress. I expect very good results from them and I am hopeful."

As I was leaving I told him that this morning I had had the impression that the hour of *détente* had struck, but I now saw clearly that there was nothing in it. He replied that I was mistaken; that he hoped that matters were on the right road and would perhaps rapidly reach a favorable conclusion. I asked him to take such action in Vienna as would hasten the progress of events, because it was a matter of importance not to allow time for the development in Russia of one of those currents of opinion which carry all before them.

In my opinion it would be well to ask Sir Edward Grey, who must have been warned by Sir Edward Goschen of the refusal to his proposal in the form in which it was made, to renew it under another form, so that Germany would have no pretext for refusing to associate herself



with it, and would have to assume the responsibilities that belong to her in the eyes of England.

JULES CAMBON.

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No. 75.

*M. Bienvenu-Martin, Acting Minister for Foreign Affairs, to the French Ambassadors at London, St. Petersburg, Berlin, Vienna, Rome*

PARIS, July 27, 1914.

The Austro-Hungarian Ambassador came to see me to hand me a memorandum which amounted to an indictment of Serbia; he was instructed by his government to state that since Serbia had not given a satisfactory reply to the requirements of the Imperial Government, the latter found themselves obliged to take strong measures to induce Serbia to give the satisfaction and guarantees that are required of her. To-morrow the Austrian Government will take steps to that effect.

I asked the Ambassador to acquaint me with the measures contemplated by Austria, and Count Scézszen replied that they might be either an ultimatum, or a declaration of war, or the crossing of the frontier, but he had no precise information on this point.

I then called the Ambassador's attention to the fact that Serbia had accepted Austria's requirements on practically every point, and that the differences that remained on certain points might vanish with a little mutual good will, and with the help of the Powers who wished for peace; by fixing to-morrow as the date for putting her resolution into effect, Austria for the second time was making their co-operation practically impossible, and was assuming a grave responsibility in running the risk of precipitating a war the limits of which it was impossible to foresee.

I enclose for your information the memorandum that Count Scézszen handed to me.

BIENVENU-MARTIN.

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ENCLOSURE

*Memorandum of the Austro-Hungarian Government, handed by Count Scézszen to M. Bienvenu-Martin on July 27, 1914*

The Servian agitation, which has as its object the separation from the Austrian Monarchy of the South Slav districts, in order to attach

them to a great Servian state, dates from far back. This propaganda on Servian soil, always the same in its ultimate object, although varying in its means and intensity, reached its culminating point at the time of the annexation crisis. Throwing off the protecting cloak of secrecy, it then revealed its purposes openly and undisguisedly, and showed, under the patronage of the Servian Government, its intention of achieving its aims by every means in its power.

While the whole of the Servian press was calling for war against the Monarchy with shouts of rancor and by the perversion of facts, associations were being formed to foment this strife—irrespective of other means of propaganda.

The association which had become the most important was the Narodna Odbrana. Having its origin in a revolutionary committee which already existed, it was constituted as a private society, although in fact it took the form of an organization dependent upon the Foreign Office at Belgrade through military and civil officials. Amongst its founders should be specially mentioned General Buzo Jankvic, ex-Ministers Ljuba Jovanovic, Ljuba Davidovic and Valislav Valovic, Zivojin Dacic (Director of the Government Printing Establishment), and Majors (then Captains) Voja Tanovic, and Milan Pribicevic. This association adopted as its aim the creation and organization of armed bands, with a view to the war that they hoped for against the Monarchy. A convincing description of the activity of the Narodna Odbrana at this time will be found, in particular, in the statements of Trifko Krstanovic, a Bosnia-Herzegovinian subject, in the course of his evidence before the Council of War at Serajevo; he was then at Belgrade, and had been accepted by the Narodna Odbrana, with other subjects of the Monarchy, as *comitadji*. Krstanovic had been brought, with about one hundred and forty others, to a school established for the formation of new bands at Cuprija, in the district of Jagodina, managed by Captains Voja Tankosic and Dusan Putnick. The only masters in this school were Servian officers; General Bozo Jankovic and Captain Milan Pribicevic introduced great regularity into the courses of organization of these bands, which lasted three months.

The *comitadji* received there complete instruction in musketry, bomb throwing, mines and the destruction of railways, tunnels, bridges and telegraphs; their duty was, according to their leaders, to put into practice in Bosnia-Herzegovina the knowledge they had recently acquired.

By this action on the part of the Narodna Odbrana, carried on in the most open manner and encouraged by the Servian Government, guerilla warfare was carried on against the Monarchy. In this way the subjects of the Monarchy were led into treason against their country, and induced as Servian emissaries systematically to practice secret attacks against the means of defence of their country.

This period of aggressive aspirations ended with the announcement of the Servian Government on the 31st March 1909, in which that government announced that they were prepared to accept the new situation created in public law by the annexation of Bosnia-Herzegovina, and solemnly promised that they would do their best to maintain in future friendly and neighborly relations with the Monarchy.

With this declaration it might have been expected that the agitation, which constituted a source of constant trouble to Austria-Hungary, would be brought to an end, and that means might have been found for an amicable *rapprochement* between Servia and the Monarchy. Deprived of the support of the Servian Government, and combated by that government in accordance with its engagements, the hostile propaganda could only have continued secretly, and would have been condemned to prompt destruction. On the other hand, the ties of language, race, and culture existing between the Servian districts in the south of the Monarchy and Servia ought to have resulted in the realization of a task of common development inspired by mutual friendship and parallel interest.

However, these hopes have not been realized. Aspirations hostile to the Monarchy have continued: and, under the eyes of the Servian Government, who have done nothing to suppress this agitation, the propaganda instituted against Austria has only increased in extent and volume. Hatred against the Monarchy has been fanned and has developed into an irreconcilable feeling. The Servian people alike by the old methods, which have been adapted to the situation, and by more thorough methods, have been called "to an inevitable struggle of annihilation" against Austria. Their secret ramifications have been systematically spread towards the Slav domains in the south of the Monarchy, whose subjects have been incited to treason.

Above all, this spirit has found constant expression in the Servian press.

Up to the present time, no fewer than 81 newspapers appearing in Servia have had to be withdrawn from postal circulation on account

of their contents falling within the scope of the penal law. There is hardly a clause protecting the sacred person of the Monarch and of the members of the Imperial Family or the integrity of the State that has not been violated by Servian papers. In Appendix I will be found a few of the numerous instances occurring in the press, of ideas of the nature indicated above.

Without entering into a detailed examination of the points of view of Servian public opinion, it is necessary to note that the press has, in spite of the formal recognition accorded by Serbia, never ceased to consider the annexation of Bosnia-Herzegovina, both before and after the event, as a robbery committed against Serbia for which reparation is due. This idea recurs not only in the papers of advanced views, but also in the *Samoprava*, which is in such close touch with the Foreign Office at Belgrade, where this idea finds expression in hardly veiled terms. [See Appendix II (b).]

Nor can one omit to consider how the attempt made on 15th June 1910, at Serajevo by Bogdan Zerajic against Commandant von Varesanin, Governor of Bosnia-Herzegovina, was applauded by the press.

It will be remembered that Zerajic killed himself immediately after his deed, and before committing it had burned all his papers. For these reasons it is impossible to throw full light upon the motive of this outrage; it has, however, been possible from a document found on his person to form the conclusion that he was a follower of the views of Kropotkin. Circumstantial evidence likewise leads to the conclusion that the attempt was of an anarchist type.

This, however, did not prevent the Servian press from proclaiming the criminal as a national Servian hero, or from praising his deed. The *Politika* even combated the idea that Zerajic was an anarchist, and declared him to be a "Servian hero whose name all Servians will repeat with respect and grief."

The *Politika* considers the 18th August of the same year, "the birthday of His Imperial and Royal Majesty," as a favorable opportunity on which to return to the subject of Zerajic, "whose name will be to the people something like that of a saint," and solemnly to praise the outrage in a poem. (Appendix No. 1.)

This is the way in which this crime, which was quite foreign to territorial aspirations against the Monarchy, has been exploited for the furtherance of this idea, and in which the murder was hailed in the most explicit way as a glorious means towards the realization of this

aim, and one worthy to be imitated in the struggle. This sanctification of murder, as a weapon fully admissible in the struggle against the Monarchy, reappears later in papers speaking of the attempt made by Jukic against the Royal Commissioner of Cujav. [Appendix I (e).]

These newspapers, which are circulated not only in Serbia, but also, as was ascertained later, illicitly in the Monarchy, by well-organized secret methods, have awakened and kept alive this mood in the masses, a mood which has provided a fruitful field for the misdeeds of the associations hostile to the Monarchy.

The Narodna Odbrana has become the centre of the agitation carried on by the associations. The same persons who were at its head at the time of the annexation still control it. They still include the very violent opponents of the Monarchy mentioned above in the capacity of active and energetic organizers. Organized on a broad and far-reaching scale and governed by a hierarchy of officials (*see* Appendix II, "Organization"), the Narodna Odbrana had soon acquired about 400 members who carried on a very active agitation.

Moreover, the Narodna became closely allied with the "Shooting Federation" (762 societies), the Association of the Sokol, *Dusan Silni* (2,500 members), the Olympian Club, the Association of Horsemen, *Knez Mihajlo*, the Society of Sportsmen and the League of Development, as well as numerous other associations, all of which, under the guidance and protection of the Narodna, work on the same lines. Becoming more and more closely intermingled, these associations arrived at a complete amalgamation in such a way that to-day they are only members of the single body of the Narodna. Thus the latter has set up all over Serbia a very close network of agitation and has attracted to its principles all those who are receptive of its ideas.

The official publications of this Society demonstrate sufficiently clearly the policy of the Narodna.

In its statutes, ostensibly those of a "Development Society," concerning itself only with the spiritual and corporal improvement of the Servian population and its material progress, the Narodna discloses in its deed of amalgamation (*see* Appendix II) the true and single motive of its existence in that which it calls its "reorganized programme."

To preach to the Servian people especially "the sacred truth by fanatical and indefatigable work" under the pretence that the Monarchy wishes "to take away Serbia's liberty, her language, and even to destroy her"; that it is an unavoidable necessity to wage against Austria-

Hungary, her first and greatest enemy, "a war of destruction with rifle and cannon" and "by every means" to prepare the people for this war for the liberation of the conquered territories in which seven millions of their brothers are subject to contumely and oppression. All the efforts for progress of the Narodna are exclusively concerned with this idea simply as a means for the organization and education of the people, with a view to the struggle of annihilation that they foresee.

All the associations affiliated to the Narodna work in the same spirit. The association of the Sokol of Kragujevac will serve as an example. (See Appendix III.)

As in the case of the Narodna, officers, professors and civil servants are at its head.

The speech in which its President, Major Kovacevic, opened the annual meeting of 1914 made absolutely no mention of physical training, which is the real object of the Sokol, and only spoke of "preparation for war" against a "dangerous, heartless, and odious enemy invading us from the north," who robs millions of Servian brothers of their liberties and rights, and keeps them in bondage and irons.

In the administrative reports of the association the technical work is placed entirely in the background, and only serves as headlines for the records of the real "objects of the activities of the administration," especially "*the preparation of national development and the necessity of strengthening the oppressed nation,*" with the object of enabling it to carry out its incomplete programme, its unfinished task" and accomplishing that great action which is to be carried out in the near future; the liberation of brothers who are living beyond the Drina and who are suffering the martyrdom of the crucified."

Even the treasurer makes use of his financial reports to send forth the appeal that "hawks must be reared" capable "of bringing freedom to the brothers not yet freed."

As in the case of the aspirations of progress in the Narodna, the gymnastic activity of the Sokol is not the real object, but simply a means at the service of the same propaganda carried on with the same intentions, not to say with the very same words.

When the Narodna makes its appeal for the struggle of annihilation against the Monarchy, it does not address itself only to the people of the Monarchy but to all the Southern Slavs. In the eyes of the Narodna the Slav regions in the south of the Monarchy belong to "our subjected Servian territories." (See also Appendix IV.) So also the Slav sub-

jects of the south of the Monarchy must take part in this "national work," so also this "healthy and necessary" activity must make itself felt on the other side of the southern frontier, and even on the soil of the Monarchy the Narodna seeks its "heroes for the holy war," among whom Obilic, the murderer of Mourad, is cited as an example worthy of imitation, of sacrifice for one's country.

But in order to induce the brothers "outside Servia" to share in "the work of private effort," the Narodna is intimately associated with the "brothers on this side of the frontier." It is not said in what way this intimate association is effected, no doubt because *it appertains to that part of the "common work"* which "for many reasons cannot and ought not to be explained."

How far this branch of its activity extends is shown by the fact that not only the central committee of the Narodna, but also certain of its local committees contain special sections for "foreign affairs."

The foreign activity of the Narodna and its affiliated branches is particularly varied.

What is relatively the less dangerous, because it can be officially controlled, consists of lecture tours undertaken by the influential members of the Narodna in the south-western parts of the Monarchy, where they speak before various societies on national or educational subjects. These occasions give the speakers the opportunity of explaining the true aims of the associations in the most receptive circles of their adherents, in language more or less veiled, which is intelligible to those who are already *au courant*.

Amongst these emissaries one of the best known is Zivojin Dacic, Director of the Government Printing Establishment, already alluded to; it was he who on the 8th of August 1909 issued an appeal to the Servian people in which he called Austria "the enemy of Servia" and invited Servia to prepare herself for a war against the Monarchy. On numerous occasions he has undertaken tours of this nature. At Karlova, in 1912, he flung prudence to the winds and spoke of "the union of all the Serbs against the common enemy."

More dangerous are the relations formed by associations imbued with the spirit of the Narodna, under the cloak of common interests and of culture, with associations in the Monarchy; for the respective envoys and corporate visits of these associations, which escape all control, are utilized by the Servians for all sorts of plots against the Monarchy.

Thus, for instance, an envoy of the Narodna at the fête of Serajevo in September 1912 (*see* Appendix VI) had the effrontery secretly to recruit Bosnian adherents to his society. The sending of a representative of the Sokol of Kragujevac to this fête must have meant for the brothers of Bosnia: "We have not forgotten you, the wings of the falcon of Sumadija are still strong"—a thought which, to the initiated, will no doubt have found a quite different expression consonant with the aims of the Narodna explained above (Appendix III). As to the events that take place at the meetings of the same kind in Servia, it is clear that they escape all control of the Royal and Imperial authorities, who only possess on this matter confidential information which is difficult to check. In this connection doubts must be raised regarding the visit of Agram students to Servia (April 1912) who received from the Servians an official reception of an almost military character, accompanied even by a parade and by a review of troops in their honor, and that in a manner so suggestive that the association of the Sokol of Kragujevac could say, "This event marks the beginning and the key of a great deed which must find its accomplishment in the near future; it is a germ which will ripen when the soul of the people bursts its bounds until there is no barrier that has not been destroyed."

It is only recently that it has come to the knowledge of the Austro-Hungarian authorities that the associations of the Servian Sokols have succeeded in making arrangements with some similar societies of the Monarchy to establish a connection with them which is up to the present secret, and the character of which is not yet quite clear; for the information on this point is still being collected. Up to the present, however, the information obtained admits of the conclusion that traces have been discovered of one of the ways by which the subversive aims of the Servian Sokols have seduced and led astray certain groups of persons in the Monarchy.

This propaganda among circles so very different assumes minor importance if it is compared with that of the "foreign work" which is conducted by the Narodna and its friends in the form of a personal agitation among individuals. It is in this field that the most melancholy results are shown.

By means of confidential and secret emissaries, it carries the poison of mutiny to the circles of men of mature age as well as those of irresponsible youth.

It is thus, for example, that the late officers of Honved V.B.D.K.V.N.



and the lieutenant of gendarmerie of Slav Croatia V. K., led astray by Milan Pribicevitch, left the service of the army of the Monarchy in the most suspicious circumstances and turned towards Serbia; they have seen in the meanwhile most of their hopes falsified, or at any rate in part, and are thinking of returning to the country that they have betrayed. The agitation introduced from Serbia into the middle schools of Croatia and Bosnia is unhappily so well known that it hardly needs illustration. What is less known is that people who have been expelled from the Croatian and Bosnian schools, owing to grave acts against discipline, are received in Serbia with open arms and often even protected by the state and supported as enemies of the Monarchy. The Servian schools with their masters, who, inspired by hostility towards Austria, are to a great extent members of the Narodna, are clearly establishments thoroughly adapted for training experts of this kind. A very notable case may be quoted here. Last March several pupils of the normal training college of Pakrac (Croatia) were expelled on account of a strike. They returned to Serbia, where they immediately obtained places as school masters or were admitted to training colleges. One of those who had been so expelled, and who had relations with circles unfriendly to the Monarchy, declared publicly that he and his people would express the opinion and disseminate the view during the stay of the hereditary Archduke in Bosnia, that this province is Servian territory. It should be particularly noted that during the stay of the Archduke Franz Ferdinand in Bosnia the prefect of the Servian district of Krajna gave to three scholars, who were thus involved, Servian passports, in which he falsely described them as Servian subjects, although he must have known that they were Croats. With these passports the three agitators were able to enter the Monarchy without being noticed, where, however, they were eventually recognized and arrested.

But all this is not enough to give a complete representation of the "foreign" activity of the Narodna.

The Imperial and Royal Government has been informed for a long time past confidentially that the Narodna has made military preparations for the war which it desires to make against the Monarchy in the following way: it has been sending emissaries in order, as soon as hostilities broke out, to attempt in bands the destruction of the transport and to stir up revolt or panic (*see* Appendix VII).

The criminal proceedings taken in 1913 by the Council of War at

Serajevo against Jovo Jajlicic and his associates for espionage, confirm this confidential information. As at the time of its foundation, the preparation for war by armed bands still figures in the programme of the Narodna, to which must now further be added a complete service of espionage. It is for this reason that the programme of the Narodna, described as "reorganized" is, in reality, an *extended* programme. Acts of terrorism must finally result from an atmosphere of hatred which is publicly and secretly provoked, and from an agitation which evades all responsibility; and in order to bring them about, all means are to be regarded as good in the struggle against Austria including even, without any sense of shame, common acts of murder.

On the 8th of June 1912, a man named Jukic shot at von Cuvaj, the Royal Commissioner at Agram, with the result that Councillor von Herwic, who was seated in the same carriage, was mortally wounded; in his flight he killed a policeman who followed him and he wounded two others.

From the subsequent investigation it appeared that Jukic was saturated with the ideas and plans of the Narodna, and that, although Jukic had for some time past been devoting himself to criminal schemes, these schemes were only matured after he had made an excursion to Belgrade, together with the Agram students, for the celebrations prepared in honor of these visitors on the 18th April 1912; that Jukic entered into relations with several people belonging to the Narodna with whom he had had political discussions. A few days afterwards he returned to Belgrade, and there he received *from a Servian major a bomb and from a friend a Browning pistol*, with which he carried out his crime. The bomb found at Agram came, according to experts, from a military arsenal.

Jukic's attempt had not yet been forgotten, when on the 18th August 1913, Stephan Dojcic, who had returned from America to Agram, made an attempt on the life of the Royal Commissioner, Baron Skerlec, an attempt which was the outcome of action organized by the Servians among the southern Slavs living in America, and which was the work of the foreign propaganda of the Narodna.

A pamphlet by the Servian, T. Dimitrijevitich, printed in Chicago, with its unbridled attacks against His Imperial and Royal Majesty, and its appeal to the Servians of the Monarchy with reference to their impending "deliverance," and urging them to enter Servia, demonstrates the correspondence between the propaganda carried out un-

checked by the Servians in America and that carried on from Servia in the territory of the Monarchy.

And again, scarcely a year afterwards, Agram was the scene of a new outrage, this time unsuccessful.

On the 20th May 1913, Jacob Schäffer made an attempt at the Agram theatre on the life of the Ban, Freiherr von Skerlecz, an attempt which was frustrated at the last moment by a policeman. The subsequent investigation revealed the existence of a plot inspired by Rudolf Hercigonja. From the depositions of the latter and his five accomplices, it is manifest that this crime also originated in Servia.

Having taken part in an unsuccessful attempt to liberate Jukic, Hercigonja fled to Servia (October 1912), where together with his accomplice Marojan Jakcic he was seen in company with *comitadjis* and members of the Narodna. As frequently happens when immature minds concern themselves too early with political questions, these meetings had the worst possible result. Hercigonja returned home impressed by the dogma of Belgrade, that the Slav areas in the south of the Monarchy should be separated from it and re-united to the Servian Kingdom. He had further been persuaded by the teachings of his friends that this object should be pursued by means of attempts on the lives of persons holding high office in the Monarchy.

This is the spirit in which Hercigonja influenced his friends at Agram and converted them to his ideas. Foremost among his plans was the carrying out of an attempt on the life of the heir to the throne.

A few months before Suka Alginovic had been tried for high treason. In the course of his trial three witnesses declared that Alginovic had told them that he had received one hundred dina from the Narodna and a similar sum from a secret association of students to start propaganda, but especially to carry out an attempt on the life of the Archduke Franz Ferdinand.

*It is clear how far the criminal agitation of the Narodna and of those who share in its views has of late been primarily directed against the person of the hereditary Archduke.*

From these facts the conclusion may be drawn that the Narodna, as well as the associations hostile to the Monarchy which were grouped around it, recently decided that the hour had struck to translate theory into practice.

It is noteworthy that the Narodna limits itself in this way to *inciting*, and where the incitement had fallen on fertile soil, to *providing means of*

*material assistance*, but that it has confided all the dangerous part in this active propaganda exclusively to the youth of the Monarchy, which has been excited and corrupted by this organization, which alone ought to bear the burden of this pitiful "heroism."

All the characteristics of this procedure are found in the history and origin of the profoundly regrettable outrage of the 28th June.

Princip and Grabez are examples of these young men who have been poisoned from their school days by the doctrines of the Narodna. At Belgrade, where he consorted with students imbued with these ideas, Princip busied himself with criminal plans against the hereditary Archduke (against whom was directed the particularly rancorous hatred of the elements hostile to the Monarchy), when he made his tour in the annexed territories.

He became friendly with Kabrinovitch, who mingled with the same associates, and whose radically revolutionary opinions, as he himself admits, inspired him with the same sense of hostility to the Monarchy, and brought him into the active propaganda. But however carefully this plot might have been prepared, and however determined the conspirators may have been, the attempt would nevertheless not have been carried out if people had not been found, as in the case of Jukic, to provide for the conspirators means of committing their crime; for as Princip and Kabrinovitch have expressly admitted, they lack the necessary arms as well as money to purchase them. It is interesting to see where the conspirators procured their arms. Milan Pribicevic and Zivogin Dacic, the two principal men in the Narodna, were the first to whom the conspirators turned as to a sure source of help in their need, doubtless because it had already become a tradition among those ready to commit crimes that they could obtain from the members of the Narodna instruments for murder. The fortuitous circumstance that these two men were not at Belgrade at the critical moment doubtless frustrated this plan; however, Princip and Kabrinovitch had no difficulty in finding other help, that of Milan Ciganovic, an *ex-comitadji*, and now a railway official at Belgrade and member of the Narodna. The latter and his friend Major Voja Tankosic, who has already been mentioned, and was also one of the heads of the Narodna, and who in 1908 was the head of the school of armed bands of Kuprija (Appendix V), now appear as the moving spirits in the plot. They had only one doubt, and that but a fleeting one, namely, whether the three conspirators were really resolved to commit this act, but this doubt soon disappeared,

thanks to their own suggestions. Thenceforward they were ready to give every assistance. Tankosic procured four Browning pistols and ammunition, and money for the journey. Six hand grenades from the Servian army completed the armament, a fact which recalls the case of Jukic. Anxious to be successful, Tankosic obtained shooting lessons for them, but Tankosic and Ciganovic were further anxious to insure secrecy for the plot by special means scarcely desired by the assassins. They therefore suborned Zian Kali, pointing out that the two culprits must commit suicide after the crime, a precaution which was to be specially advantageous to them because secrecy would relieve them of the slight danger which they themselves were incurring in this enterprise. *Sure death for victims of their corruption, perfect security for themselves, such is the motto, as is now known, of the Narodna.*

In order to render the execution of the crime possible, it was necessary that the arms and the bombs should arrive in Bosnia by underhand methods and without being perceived. There again Ciganovic gave all the assistance in his power; he explained to the conspirators the route which had been agreed upon, and assured them that the Servian customs authorities would help them. The way in which this journey, described by Princip as "mysterious," was organized and carried out can leave no doubt but that this route was a secret route prepared in advance and already often used for the secret designs of the Narodna. With a simplicity and assurance which could only result from long habit, the frontier guards at Sabak and Losnika lent their administrative organization for the purpose; the secret transport with its complicated system of constantly changing guides, who could be summoned as if by magic, and were always to be found on the spot when there was need, was effected without any difficulty. Without investigating the object of this strange journey of a few very young students, the Servian authorities set this smooth machinery in motion at a word from the *ex-comitadji* and minor railway official Ciganovic. However, they had no need to make any inquiry, for, from the information before them, it was clear that a new mission of the Narodna was being carried out. When he saw the arsenal of bombs and revolvers, the guard, Crbic, smiled a benevolent smile of approval, showing conclusively how accustomed they were on this route to find contraband of this nature.

The Royal Servian Government have committed a serious default in allowing all this to take place.

Though bound to cultivate neighborly relations with Austria-Hungary,

they have allowed the press to excite hatred against the Monarchy; they have allowed associations established on their own territory under the leadership of high officers, of public officials, of masters and of judges, to busy themselves with a public campaign against the Monarchy, instilling revolutionary ideas into the minds of its citizens; they have not prevented men with a share in the direction of the military and civil administration from poisoning the public conscience contrary to all moral sentiment, to such an extent that in this conflict vulgar and treacherous assassination appears the most praiseworthy weapon.

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No. 75 (2).

*Official Communiqué of the Press Bureau*

VIENNA, July 28, 1914.

The Austrian Minister at Belgrade has returned to Vienna and presented the text of the Servian reply.

A spirit of insincerity pervades the whole of this reply; it makes it clear that the Servian Government have no serious intention of putting an end to the culpable toleration which has given rise to the anti-Austrian intrigues. The Servian reply contains such restrictions and limitations, not only with regard to the principle of the Austro-Hungarian *démarche*, but also with regard to the claims advanced by Austria, that the concessions which are made are without importance.

In particular, under an empty pretext, there is a refusal to accept the participation of the Austro-Hungarian officials in the prosecution of the authors of the crimes who are resident in Servian territory.

In the same way, the Servian reply to the Austrian demand that the hostile intrigues of the press should be suppressed, amounts to a refusal.

The demand with regard to the measures to be taken to prevent associations hostile to Austria-Hungary from continuing their activity under another name and form after their dissolution, has not even been considered.

Inasmuch as these claims constitute the minimum regarded as necessary for the re-establishment of a permanent peace in the south-east of the Monarchy, the Servian reply is considered to be insufficient.

That the Servian Government is aware of this, appears from the fact

that they contemplate the settlement of the dispute by arbitration, and also from the fact that on the day on which their reply was due and before it was in fact submitted, they gave orders for mobilization.

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No. 76.

*M. René Viviani, President of the Council, to M. Bienvenu-Martin, Acting Minister for Foreign Affairs*

ON BOARD THE "LA FRANCE," July 28, 1914.

I have received from Copenhagen your telegram summarizing the events of Saturday; the telegram describing the last visit of the German Ambassador; that relating to the mediation which Russia advises Serbia to ask for and to the English *démarches* at Berlin, as well as your telegram received this morning directly through the Eiffel Tower.

I fully approve the reply which you made to Baron von Schoen; the proposition which you maintained is self-evident; in the search for a peaceful solution of the dispute, we are fully in agreement with Russia, who is not responsible for the present situation, and has not taken any measure whatever which could arouse the least suspicion; but it is plain that Germany on her side would find it difficult to refuse to give advice to the Austro-Hungarian Government, whose action has provoked the crisis.

We must now continue to use the same language to the German Ambassador. Besides, this advice is in harmony with the two English proposals mentioned in your telegram. I entirely approve the combination suggested by Sir E. Grey, and I am myself requesting M. Paul Cambon to inform him of this. It is essential that it should be known at Berlin and at Vienna that our full concurrence is given to the efforts which the British Government is making with a view to seeking a solution of the Austro-Servian dispute. The action of the four less interested Powers cannot, for the reasons given above, be exerted only at Vienna and St. Petersburg. In proposing to exert it also at Belgrade which means, in fact, between Vienna and Belgrade, Sir E. Grey grasps the logic of the situation; and, in not excluding St. Petersburg, he offers on the other hand to Germany, a method of withdrawing with perfect dignity from the *démarche* by which the German Government have caused it to be known at Paris and at London that the affair was looked

upon by them as purely Austro-Servian and without any general character.

Please communicate the present telegram to our representatives with the great Powers and to our Minister at Belgrade.

RENÉ VIVIANI.

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No. 77.

*M. Bienvenu-Martin, Acting Minister for Foreign Affairs, to M. René Viviani, President of the Council on board the "La France"*

PARIS, July 28, 1914.

In spite of the assurances given, both in Berlin and Paris by the German representatives, of the desire of their government to assist in efforts for the maintenance of peace, no sincere action has been taken by them to hold back Austria; the English proposal, which consists in action by the four less-interested Powers to obtain a cessation of military operations at Vienna, Belgrade, and St. Petersburg, and in a meeting at London of the German, French, and Italian Ambassadors under the chairmanship of Sir E. Grey, with a view of seeking a solution of the Austro-Servian difficulty, meets with objections at Berlin of such a nature as must lead to failure.

The Austrian Ambassador has proceeded to announce that his government will to-morrow take energetic measures to compel Serbia to give to them the satisfaction and guarantees which they demand from that Power; Count Scézszen has given no explanation as to those measures; according to our Military Attaché at Vienna, mobilization dating from July 28 appears to be certain.

BIENVENU-MARTIN.

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No. 78.

*M. Bienvenu-Martin, Acting Minister for Foreign Affairs, to London, Berlin, St. Petersburg, Vienna, Rome*

PARIS, July 28, 1914.

I have had another visit from the German Ambassador this morning; he told me that he had no communication or official proposal to make to me, but that he came, as on the evening before, to talk over the situa-



tion and the methods to be employed to avoid action which would be irreparable. When I asked him about Austria's intentions, he declared that he did not know them, and was ignorant of the nature of the means of coercion which she was preparing.

Germany, according to Baron von Schoen, only asks that she may act with France for the maintenance of peace. Upon my observing to him that a proposal for mediation by the four Powers to which we had adhered, and which had obtained assent in principle from Italy and Germany, had been put forward by England, the Ambassador said that the German Government really only asked to associate themselves with the action of the Powers, provided that that action did not take the form of arbitration or a conference, which had been rejected by Austria.

I replied that, if it was the expression only which was an obstacle to the Austrian Government, the object might be attained by other means; the German Government are in a good position to ask Austria to allow the Powers time to intervene and find a means of conciliation.

Baron von Schoen then observed to me that he had no instructions, and only knew that Germany refused to exercise any pressure on Austria, who does not wish for a conference. He accuses the French papers of attributing to Germany an attitude which she had not taken up, alleging that she is urging Austria on; doubtless she approves Austria's attitude, but she had no knowledge of the Austrian note; she did not see her way to check her too abruptly, for Austria must have guarantees against the proceedings of the Serbs.

BIENVENU-MARTIN.

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No. 79.

*M. Bienvenu-Martin, Acting Minister for Foreign Affairs, to M. Du-  
maine, French Ambassador at Vienna*

PARIS, July 28, 1914.

Through the telegrams from our embassies which I have forwarded to you, you are aware of the English proposal for mediation by the four Powers and for a conference in London, as well as of our adherence to that suggestion, and of the conditional acceptance by Italy and of the reservations of Berlin.

Please keep yourself in touch on this subject with your English col-

league, who has received the necessary instructions to acquaint the Austro-Hungarian Government with the English suggestion, as soon as his three colleagues have been authorized to make the same *démarche*; you will adapt your attitude to his.

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No. 80.

*M. Paul Cambon, French Ambassador at London, to M. Bienvenu-Martin,  
Acting Minister for Foreign Affairs*

LONDON, July 28, 1914.

Sir Edward Grey yesterday received my Austro-Hungarian and German colleagues. The first continued to maintain that the Servian reply was unacceptable. The second used language similar to that of Baron von Schoen at Paris. He emphasized the value of moderating action by Great Britain at St. Petersburg. Sir Edward Grey replied that Russia had shown herself very moderate from the beginning of the crisis, especially in her advice to the Servian Government, and that he would find it very embarrassing to give her pacific advice. He added that it was at Vienna that it was necessary to act and that Germany's help was indispensable.

On the other hand the British Ambassador at St. Petersburg has telegraphed that M. Sazonof had made a proposal to the Austrian Ambassador for a conversation on the Servian business. This information has been confirmed by the British Ambassador at Vienna, who has sent the information that the first interview between the Russian Minister for Foreign Affairs and Count Szápáry had produced a good effect at the Ballplatz.

Sir Edward Grey and Sir Arthur Nicolson told me that, if an agreement could be brought about by direct discussion between St. Petersburg and Vienna, it would be a matter for congratulation, but they raised some doubts as to the success of M. Sazonof's attempt.

When Sir George Buchanan asked M. Sazonof about the eventual meeting at London of a conference of representatives of Great Britain, France, Germany and Italy, to seek a solution for the present situation, the latter replied "that he had begun *pourparlers* with the Austrian Ambassador under conditions which he hoped were favorable; that, however, he had not yet received any reply to his proposal for the revi-

sion of the Servian note by the two Cabinets." If direct explanations with the Cabinet of Vienna are impracticable, M. Sazonof declares himself ready to accept the English proposals or any other of such a nature as to bring about a favorable issue of the dispute.

In any case, at a moment when the least delay might have serious consequences, it would be very desirable that these direct negotiations should be carried on in such a way as not to hamper Sir E. Grey's action, and not to furnish Austria with a pretext for slipping out of the friendly intervention of the four Powers.

The British Ambassador at Berlin having made a determined effort to obtain Herr von Jagow's adherence to Sir E. Grey's suggestion, the German Minister for Foreign Affairs replied that it was best to await the result of the conversation which had been begun between St. Petersburg and Vienna. Sir E. Grey, has, in consequence, directed Sir E. Goschen to suspend his *démarche* for the moment. In addition, the news that Austria has just officially declared war against Servia, opens a new phase of the question.

PAUL CAMBON.

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No. 81.

*M. Jules Cambon, French Ambassador at Berlin, to M. Bienvenu-Martin, Acting Minister for Foreign Affairs*

BERLIN, July 28, 1914.

M. Sazonof's conversation with Count Szápáry was brought to the knowledge of Herr von Jagow by the Russian Chargé d'Affaires. The Secretary of State told him that in agreement with the remarks of the German Ambassador in Russia, since the Austrian Government did not refuse to continue their conversations with the Russian Government after the expiry of the ultimatum, there was ground for hope that Count Berchtold on his side might be able to converse with M. Schebeko, and that it might be possible to find an issue from the present difficulties. The Russian Chargé d'Affaires takes a favorable view of this state of mind, which corresponds to Herr von Jagow's desire to see Vienna and St. Petersburg enter into direct relations and to release Germany. There is ground, however, for asking whether Austria is not seeking to gain time to make her preparations.

To-day I gave my support to the *démarche* made by my British colleague with the Secretary of State. The latter replied to me, as he did

to Sir Edward Goschen, that it was impossible for him to accept the idea of a kind of conference at London between the Ambassadors of the four Powers, and that it would be necessary to give another form to the English suggestion to procure its realization. I laid stress upon the danger of delay, which might bring on war, and asked him if he wished for war. He protested, and added that direct conversations between Vienna and St. Petersburg were in progress, and that from now on he expected a favorable result.

The British and Italian Ambassadors came to see me this morning together, to talk over with me the conversation which they had had with Herr von Jagow yesterday on the subject of Sir Edward Grey's proposal. To sum up, the Secretary of State used the same language to them as to me; accepting in principle the idea of joining in a *démarche* with England, Italy, and ourselves, but rejecting any idea of a conference.

My colleagues and I thought that this was only a question of form, and the British Ambassador is going to suggest to his government that they should change the wording of their proposal, which might take the character of a diplomatic *démarche* at Vienna and St. Petersburg.

In consequence of the repugnance shown by Herr von Jagow to any *démarche* at Vienna, Sir Edward Grey could put him in a dilemma, by asking him to state himself precisely how diplomatic action by the Powers to avoid war could be brought about.

We ought to associate ourselves with every effort in favor of peace compatible with our engagements towards our ally; but to place the responsibility in the proper quarter, we must take care to ask Germany to state precisely what she wishes.

JULES CAMBON.

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No. 82.

*M. Paléologue, French Ambassador at St. Petersburg, to M. Bienvenu-Martin, Acting Minister for Foreign Affairs*

ST. PETERSBURGH, July 28, 1914.

The Austro-Hungarian Government has not yet replied to the proposal of the Russian Government suggesting the opening of direct conversations between St. Petersburg and Vienna.

M. Sazonof received the German and Austro-Hungarian Ambassadors this afternoon. The impression which he got from this double interview is a bad one; "Certainly," he said to me, "Austria is unwilling to converse."

As the result of a conversation which I have just had with my two colleagues I have the same impression of pessimism.

PALÉOLOGUE.

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No. 83.

*M. Dumaine, French Ambassador at Vienna, to M. Bienvenu-Martin,  
Acting Minister for Foreign Affairs*

VIENNA, July 28, 1914.

Count Berchtold has just declared to Sir M. de Bunsen that any intervention, aiming at the resumption of the discussion between Austria and Servia on the basis of the Servian reply, would be useless, and besides that it would be too late, as war had been officially declared at mid-day.

The attitude of my Russian colleague has never varied up to the present; in his opinion it is not a question of localizing the conflict, but rather of preventing it. The declaration of war will make very difficult the initiation of *pourparlers* by the four Powers, as well as the continuation of the direct discussions between M. Sazonof and Count Szápáry.

It is held here that the formula which seemed as if it might obtain the adherence of Germany—"Mediation between Austria and Russia,"—is unsuitable, inasmuch as it alleges a dispute between those two empires which does not exist up to the present.

Among the suspicions aroused by the sudden and violent resolution of Austria, the most disquieting is that Germany should have pushed her on to aggressive action against Servia in order to be able herself to enter into war with Russia and France, in circumstances which she supposes ought to be most favorable to herself and under conditions which have been thoroughly considered.

DUMAINE.

## CHAPTER V

FROM THE DECLARATION OF WAR BY AUSTRIA ON SERBIA (JULY 28, 1914)  
TO THE GERMAN ULTIMATUM TO RUSSIA (JULY 31, 1914)

## No. 84.

*M. Barrère, French Ambassador at Rome, to M. Bienvenu-Martin, Acting  
Minister for Foreign Affairs*

ROME, July 29, 1914.

The Consulta considers that, in spite of the declaration of war by Austria on Serbia, there is no reason why the diplomatic efforts for calling together a conference in London with a view to mediation should be interrupted.

BARRÈRE.

## No. 85.

*M. Bienvenu-Martin, Acting Minister for Foreign Affairs, to St. Petersburg, London, Berlin, Rome, Vienna, Constantinople, Belgrade*

PARIS, July 29, 1914.

The Austro-German attitude is becoming clearer. Austria, uneasy concerning the Slav propaganda, has seized the opportunity of the crime of Serajevo in order to punish the Servian intrigues, and to obtain in this quarter guarantees which, according as events are allowed to develop or not, will either affect only the Servian Government and army, or become territorial questions. Germany intervenes between her ally and the other Powers and declares that the question is a local one, namely, the punishment of a political crime committed in the past, and for the future sure guarantees that the anti-Austrian intrigues will be put an end to. The German Government thinks that Russia should be content with the official and formal assurances given by Austria, to the effect that she does not seek territorial aggrandizement and that she will respect the integrity of Serbia; in these circumstances the danger of war can only come from Russia, if she seeks to intervene in a question

which is well defined. In these circumstances any action for the maintenance of peace must therefore take place at St. Petersburg alone.

This sophism, which would relieve Germany from intervening at Vienna, has been maintained unsuccessfully at Paris by Herr von Schoen, who has vainly endeavored to draw us into identical Franco-German action at St. Petersburg; it has been also expounded in London to Sir E. Grey. In France, as in England, a reply was given that the St. Petersburg Cabinet have, from the beginning, given the greatest proofs of their moderation, especially by associating themselves with the Powers in advising Serbia to yield to the requirements of the Austrian note. Russia does not therefore in any way threaten peace; it is at Vienna that action must be taken; it is from there that the danger will come, from the moment that they refuse to be content with the almost complete submission of Serbia to exorbitant demands; that they refuse to accept the co-operation of the Powers in the discussion of the points which remain to be arranged between Austria and Serbia; and, finally, that they do not hesitate to make a declaration of war as precipitate as the original Austro-Hungarian note.

The attitude at Berlin, as at Vienna, is still dilatory. In the former capital, while protesting that the Germans desire to safeguard general peace by common action between the four Powers, the idea of a conference is rejected without any other expedient being suggested, and while they refuse to take any positive action at Vienna. In the Austrian capital they would like to keep St. Petersburg in play with the illusion of an *entente* which might result from direct conversations, while they are taking action against Serbia.

In these circumstances it seems essential that the St. Petersburg Cabinet, whose desire to unravel this crisis peacefully is manifest, should immediately give their adherence to the English proposal. This proposal must be strongly supported at Berlin in order to decide Herr von Jagow to take real action at Vienna capable of stopping Austria and preventing her from supplementing her diplomatic advantage by military successes. The Austro-Hungarian Government would, indeed, not be slow to take advantage of it in order to impose on Serbia, under the elastic expression of "guarantees," conditions which, in spite of all assurances that no territorial aggrandizement was being sought, would in effect modify the status of Eastern Europe, and would run the risk of gravely compromising the general peace either at once or in the near future.

BIENVENU-MARTIN.

## No. 86.

*M. Paléologue, French Ambassador at St. Petersburg, to M. Bienvenu-Martin, Acting Minister for Foreign Affairs*

ST. PETERSBURGH, July 29, 1914.

I am now in a position to assure your excellency that the Russian Government will acquiesce in any measures which France and England may propose in order to maintain peace. My English colleague is telegraphing to London to the same effect.

PALÉOLOGUE.

## No. 87.

*M. Klobukowski, French Minister at Brussels, to M. Bienvenu-Martin, Acting Minister for Foreign Affairs*

BRUSSELS, July 29, 1914.

I report the following impressions of my interview with M. Davignon and with several persons in a position to have exact information. The attitude of Germany is enigmatical and justifies every apprehension; it seems improbable that the Austro-Hungarian Government would have taken an initiative which would lead, according to a pre-conceived plan, to a declaration of war; without previous arrangement with the Emperor William.

The German Government stand "with grounded arms" ready to take peaceful or warlike action as circumstances may require, but there is so much anxiety everywhere that a sudden intervention against us would not surprise anybody here. My Russian and English colleagues share this feeling.

The Belgian Government are taking steps which harmonize with the statement made to me yesterday by M. Davignon that everything will be put in readiness for the defence of the neutrality of the country.

KLOBUKOWSKI.

## No. 88.

*M. Ronssin, French Consul-General at Frankfort, to M. Bienvenu-Martin, Acting Minister for Foreign Affairs*

FRANKFORT, July 29, 1914.

I notify you of important movements of troops yesterday and to-night. This morning several regiments in service dress arrived here,



especially by the roads from Darmstadt, Cassel, and Mayence, which are full of soldiers. The bridges and railways are guarded under the pretext of preparations for the autumn manoeuvres.

RONSSIN.

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No. 89.

*M. Allizé, French Minister at Munich, to M. Bienvenu-Martin, Acting Minister for Foreign Affairs*

MUNICH, July 29, 1914.

I am informed that the mills at Illkirch (Alsace-Lorraine) have been asked to stop delivery to their ordinary clients and to keep all their output for the army.

From Strassburg information has been received of the transport of motor guns used for firing on aeroplanes and dirigibles.

Under the pretext of a change in the autumn manoeuvres the non-commissioned officers and men of the Bavarian infantry regiments at Metz, who were on leave in Bavaria for the harvest, received orders yesterday to return immediately.

ALLIZÉ.

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No. 90.

*M. Dumaine, French Ambassador at Vienna, to M. Bienvenu-Martin, Acting Minister for Foreign Affairs*

VIENNA, July 29, 1914.

The French Consul at Prague confirms the mobilization of the 8th army corps which had already been announced, and that of the Landwehr division of this army corps. The cavalry divisions in Galicia are also mobilizing; regiments and cavalry divisions from Vienna and Budapest have already been transported to the Russian frontier. Reservists are now being called together in this district.

There is a rumor that the Austro-Hungarian Government, in order to be in a position to meet any danger, and perhaps in order to impress St. Petersburg, intend to decide on a general mobilization of their forces on the 30th July, or the 1st August. To conclude, it is certain the Emperor will return from Ischl to Vienna to-morrow.

DUMAINE.

## No. 91.

*M. Paléologue, French Ambassador at St. Petersburg, to M. Bienvenu-Martin, Acting Minister for Foreign Affairs*

ST. PETERSBURGH, July 29, 1914.

The direct conversation, to which the Russian Government had invited the Austro-Hungarian Government in a friendly spirit, has been refused by the latter.

On the other hand, the Russian General Staff have satisfied themselves that Austria is hurrying on her military preparations against Russia, and is pressing forward the mobilization which has begun on the Galician frontier. As a result the order to mobilize will be despatched to-night to thirteen army corps, which are destined to operate eventually against Austria.

In spite of the failure of his proposal, M. Sazonof accepts the idea of a conference of the four Powers in London; further, he does not attach any importance to the title officially given to the discussions, and will support all English efforts in favor of peace.

PALÉOLOGUE.

## No. 92.

*M. Jules Cambon, French Ambassador at Berlin, to M. Bienvenu-Martin, Acting Minister for Foreign Affairs*

BERLIN, July 29, 1914.

I asked the Secretary of State to-day how the question of direct conversations between Vienna and St. Petersburg, which seemed to him yesterday the best means of arriving at a *détente*, stood. He answered that at St. Petersburg they seemed well disposed towards them and that he had asked Vienna to take this course. He was awaiting the reply. The British Government, after seeing the suggestion of a conference rejected, had let it be known that they would view with favor the inception of such conversations between Austria and Russia, and had asked Germany to urge Austria, which the Imperial Government are not failing to do.

I asked Herr von Jagow if he had at last received the Servian reply to Austria and what he thought of it. He replied that he saw in it a basis for possible negotiation. I added that it was just on that account

that I considered the rupture by Austria, after she had received such a document, inexplicable.

The Secretary of State then remarked that with Eastern nations one could never obtain sufficient guarantees, and that Austria wished to be able to supervise the carrying out of promises made to her, a supervision which Serbia refused. This, in the eyes of the Secretary of State, is the cardinal point. I answered Herr von Jagow that Serbia, as she wished to remain independent, was bound to reject the control of a single Power, but that an international commission would not have the same character. The Balkan States have more than one, for instance the Financial Commission at Athens. One could imagine, I said, for instance, among other combinations, a Provisional International Commission, charged with the duty of controlling the police inquiry demanded by Austria; it was clear, by this instance, that the reply of Serbia opened the door to conversations and did not justify a rupture.

I then asked the Secretary of State if, leaving aside direct conversations between Vienna and St. Petersburg to which Sir E. Grey had given his adherence, he did not think that common action could be exercised by the four Powers by means of their Ambassadors. He answered in the affirmative, adding that at this moment the London Cabinet were confining themselves to exercising their influence in support of direct conversations.

At the end of the afternoon the Imperial Chancellor asked the British Ambassador to come and see him. He spoke to him of the proposal of Sir E. Grey for the meeting of a conference; he told him that he had not been able to accept a proposal which seemed to impose the authority of the Powers on Austria; he assured my colleague of his sincere desire for peace and of the efforts he was making to that effect at Vienna, but he added that Russia was alone able to maintain peace or let loose war.

Sir E. Goschen answered that he did not agree, and that if war broke out Austria would be chiefly responsible, for it was inadmissible for her to have broken with Serbia after the reply of the latter.

Without discussing this point, the Chancellor said that he was trying his utmost to obtain direct conversations between Austria and Russia; he knew that England looked on such conversations with a favorable eye. He added that his own action would be rendered very difficult at Vienna, if it were true that Russia had mobilized fourteen army corps on the Austrian frontier. He asked my colleague to call Sir E. Grey's attention to what he had said.

Sir E. Goschen has telegraphed to London to this effect.

The attitude of the Chancellor is very probably the result of the last interview of Sir E. Grey with Prince Lichnowsky. Up to quite the last days they flattered themselves here that England would remain out of the question, and the impression produced on the German Government and on the financiers and business men by her attitude is profound.

JULES CAMBON.

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No. 93.

*M. Dumaine, French Ambassador at Vienna, to M. Bienvenu-Martin,  
Acting Minister for Foreign Affairs*

VIENNA, July 29, 1914.

The opinion of my British, Russian and Italian colleagues agrees with mine concerning the impossibility of preventing the outbreak of hostilities between Austria and Serbia, since all attempts to avoid the collision have failed.

M. Schebeko had asked that the negotiations begun at St. Petersburg by MM. Sazonof and Szápáry should be continued and made more effective by special powers being conferred on the latter, but Count Berchtold has flatly refused. He showed in this way that Austria-Hungary does not tolerate any intervention which would prevent her from inflicting punishment and humiliation on Serbia.

The Duke of Avarna admits that it is very probable that the imminence of a general insurrection among the Southern Slav inhabitants precipitated the resolutions of the Monarchy. He still clings to the hope that, after a first success of the Austro-Hungarian arms, but not before this, mediation might be able to limit the conflict.

DUMAINE.

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No. 94.

*M. Bienvenu-Martin, Acting Minister for Foreign Affairs, to London,  
Berlin, St. Petersburg, Rome, Vienna, Constantinople, Belgrade*

PARIS, July 29, 1914.

The following communication was semi-officially made to me this morning by the German Ambassador:

"The German Government are still continuing their efforts to obtain the consent of the Austrian Government to a friendly conversation which would give the latter an opportunity of stating exactly the object and extent of the operations in Servia. The Berlin Cabinet hope to receive declarations which will be of a kind to satisfy Russia. The German efforts are in no way impeded by the declaration of war which has occurred." A similar communication will be made at St. Petersburg.

During the course of a conversation which I had this morning with Baron Von Schoen, the latter stated to me that the German Government did not know what the intentions of Vienna were. When Berlin knows how far Austria wishes to go, there will be a basis of discussion which will make conversations with a view to intervention easier.

When I observed that the military operations which had been begun would not perhaps allow any time for conversation, and that the German Government ought to use their influence at Vienna to delay them, the Ambassador answered that Berlin could not exercise any pressure, but that he hoped that the operations would not be pushed forward very actively.

BIENVENU-MARTIN.

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No. 95.

*M. Bienvenu-Martin, Acting Minister for Foreign Affairs, to London, Berlin, St. Petersburg, Vienna, Constantinople, Rome, Belgrade*

PARIS, July 29, 1914.

M. Isvolsky came to me by order of his Government to communicate a telegram addressed by M. Sazonof to Berlin. It appears from this information that, in consequence of the declaration of war by Austria-Hungary on Servia, the measures of mobilization already taken with regard to the largest part of the Austro-Hungarian army, and finally the refusal of Count Berchtold to continue negotiations between Vienna and St. Petersburg, Russia had decided to mobilize in the provinces of Odessa, Kieff, Moscow and Kazan. While informing the German Government to this effect, the Russian Ambassador at Berlin was instructed to add that these military precautions were not in any way directed against Germany, and also did not imply aggressive measures

against Austria-Hungary; furthermore the Russian Ambassador at Vienna had not been recalled.

The Russian Ambassador also gave me the substance of two telegrams addressed to London by M. Sazonof: the first, after pointing out that the declaration of war on Servia put an end to the conversations of the Russian Minister with the Austrian Ambassador, asked England to exercise her influence, as quickly as possible, with a view to mediation and to the immediate cessation of Austrian military operations (the continuation of which gave Austria time to crush Servia while mediation was dragging on); the second communicated the impression received by M. Sazonof from his conversations with the German Ambassador that Germany favors Austria's uncompromising attitude and is not exercising any influence on her. The Russian Minister thinks that the attitude of Germany is very disquieting, and considers that England is in a better position than the other Powers to take steps at Berlin with a view to exercising pressure on Vienna.

BIENVENU-MARTIN.

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No. 96.

*M. Barrère, French Ambassador at Rome, to M. Bienvenu-Martin, Acting Minister for Foreign Affairs*

ROME, July 29, 1914.

The Minister for Foreign Affairs has been officially informed by the Russian Ambassador that his government, in consequence of the declaration of war by Austria on Servia and of the measures of mobilization which were from this moment being taken by Austria, had given the order to mobilize in the districts of Kieff, Odessa, Moscow and Kazan. He added that this step had no aggressive character against Germany, and that the Russian Ambassador at Vienna had not been recalled.

In speaking of this communication the Marquis di San Giuliano told me that unfortunately throughout this affair Austria and Germany had been, and were still, convinced that Russia would not move. In this connection he read to me a despatch from M. Bollati reporting an interview which he had had yesterday with Herr von Jagow, in which the latter had again repeated to him that he did not think that Russia would move. He based this belief on the fact that the Russian

Government had just sent an agent to Berlin to treat about some financial questions. The Austrian Ambassador at Berlin also told his English colleague that he did not believe in a general war, since Russia was not in the mood or in the condition to make war.

The Marquis di San Giuliano does not share this opinion. He thinks that if Austria contents herself with humiliating Serbia and with exacting, besides the acceptance of the note, some material advantages which do not involve her territory, Russia can still find some means of coming to an agreement with her. But if Austria wishes either to dismember Serbia or to destroy her as an independent state, he thinks that it would be impossible for Russia not to intervene by military measures.

In spite of the extreme gravity of the situation, the Minister for Foreign Affairs does not seem to me to despair of the possibility of an agreement. He thinks that England can still exercise a great deal of influence in Berlin in the direction of peace. He had yesterday, he told me, a long conversation with the British Ambassador, Sir R. Rodd, in order to show him to what extent English intervention might be effective. He said to me in conclusion, "If your government are of the same opinion, they could on their side make representations to this effect in London."

BARRÈRE.

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No. 97.

*M. René Viviani, President of the Council, Minister for Foreign Affairs,  
to M. Paul Cambon, French Ambassador at London*

PARIS, July 29, 1914.

I should be obliged if you would ask Sir E. Grey to be good enough to renew as soon as possible at Berlin, in the form which he may consider most opportune and effective, his proposal of mediation by the four Powers, which had in principle obtained the adherence of the German Government.

The Russian Government on their side will have expressed the same desire directly to the British Government; the declaration of war by Austria on Serbia, her sending of troops to the Austro-Russian frontier, the consequent Russian mobilization on the Galician frontier have in fact put an end to the direct Austro-Russian conversations.

The explanations which the German Government are going to ask for at Vienna, in accordance with the statement of Baron von Schoen which I have reported to you, in order to learn the intention of the Austrian government, will allow the four Powers to exercise effective action between Vienna and St. Petersburg for the maintenance of peace.

I would ask you also to point out to the English Secretary of State how important it would be for him to obtain from the Italian Government the most whole-hearted continuance of their support in co-operating in the action of the four Powers in favor of peace.

RENÉ VIVIANI.

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No. 98.

*M. Paul Cambon, French Ambassador at London, to M. Bienvenu-Martin,  
Acting Minister for Foreign Affairs*

LONDON, July 29, 1914.

In his interview to-day with my German colleague, Sir E. Grey observed that, the overtures of M. Sazonof for direct conversations between Russia and Austria not having been accepted at Vienna, it would be well to return to his proposal of friendly intervention by the four Powers which are not directly interested. This suggestion has been accepted in principle by the German Government, but they have objected to the idea of a conference or of mediation. The Secretary of State for Foreign Affairs has invited Prince Lichnowsky to ask his government that they should themselves propose a new formula. Whatever it may be, if it admits of the maintenance of peace, it will be accepted by England, France and Italy.

The German Ambassador was to have forwarded Sir E. Grey's request to Berlin immediately. In giving me an account of this conversation, the Secretary of State for Foreign Affairs added that Germany's reply to this communication and to that of Russia concerning the mobilization of four army corps on the Austrian frontier would allow us to realize the intentions of the German Government. My German colleague having asked Sir E. Grey what the intentions of the British Government were, the Secretary of State for Foreign Affairs replied that he had nothing to state for the present.



Sir E. Grey did not disguise the fact that he found the situation very grave and that he had little hope of a peaceful solution.

PAUL CAMBON.

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No. 99.

*M. Boppe, French Minister at Belgrade, to M. Bienvenu-Martin, Acting Minister for Foreign Affairs*

BELGRADE, July 29, 1914.

The Crown Prince, as soon as the Austro-Hungarian ultimatum was received, telegraphed to the Tsar to ask his help. My Russian colleague tells me that he has just communicated to M. Pashitch His Majesty's reply.

The Tsar thanks the Prince for having turned to him at so critical a juncture; he declares that everything has been done to arrive at a peaceful solution of the dispute, and formally assures the Prince that, if this object cannot be attained, Russia will never cease to interest herself in the fate of Servia.

BOPPE.

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No. 100.

*M. Paléologue, French Ambassador at St. Petersburg, to M. Bienvenu-Martin, Acting Minister for Foreign Affairs*

ST. PETERSBURGH, July 29, 1914.

The German Ambassador came to tell M. Sazonof that if Russia does not stop her military preparations the German army will receive the order to mobilize.

M. Sazonof replied that the Russian preparations have been caused, on the one hand, by the obstinate and uncompromising attitude of Austria, and on the other hand by the fact that eight Austro-Hungarian army corps are already mobilized.

The tone in which Count Pourtalès delivered this communication has decided the Russian Government this very night to order the

mobilization of the thirteen army corps which are to operate against Austria.

PALÉOLOGUE.

No. 101.

*M. René Viviani, President of the Council, Minister for Foreign Affairs,  
to the French Ambassadors at St. Petersburg and London*

PARIS, July 30, 1914.

M. Isvolsky came to-night to tell me that the German Ambassador has notified M. Sazonof of the decision of his government to mobilize the army if Russia does not cease her military preparations.

The Minister for Foreign Affairs of the Tsar points out that these preparations were only commenced after Austria had mobilized eight army corps and had refused to arrange peacefully her differences with Servia. M. Sazonof declares that in these circumstances Russia can only expedite her arming and consider war as imminent, that she counts on the help of France as an ally, and that she considers it desirable that England should join Russia and France without loss of time.

France is resolved to fulfill all the obligations of her alliance.

She will not neglect, however, any effort towards a solution of the conflict in the interests of universal peace. The conversation entered into between the Powers which are less directly interested still allows of the hope that peace may be preserved; I therefore think it would be well that, in taking any precautionary measures of defence which Russia thinks must go on, she should not immediately take any step which may offer to Germany a pretext for a total or partial mobilization of her forces.

Yesterday in the late afternoon the German Ambassador came and spoke to me of the military measures which the Government of the Republic were taking, adding that France was able to act in this way, but that in Germany preparations could not be secret and that French opinion should not be alarmed if Germany decided on them.

I answered that the French Government had not taken any step which could give their neighbors any cause for disquietude, and that their wish to lend themselves to any negotiations for the purpose of maintaining peace could not be doubted.

RENÉ VIVIANI.

## No. 102.

*M. Paléologue, French Ambassador at St. Petersburg, to M. René Viviani,  
President of the Council, Minister for Foreign Affairs*

ST. PETERSBURGH, July 30, 1914.

M. Sazonof, to whom I communicated your desire that every military measure that could offer Germany the pretext for general mobilization should be avoided, answered that in the course of last night the General Staff had suspended all measures of military precaution so that there should be no misunderstanding. Yesterday the Chief of the Russian General Staff sent for the Military Attaché of the German Embassy and gave him his word of honor that the mobilization ordered this morning was exclusively directed against Austria.

Nevertheless, in an interview which he had this afternoon with Count Pourtalés, M. Sazonof was forced to the conclusion that Germany does not wish to pronounce at Vienna the decisive word which would safeguard peace. The Emperor Nicholas has received the same impression from an exchange of telegrams which he has just had personally with the Emperor William.

Moreover, the Russian General Staff and Admiralty have received disquieting information concerning the preparations of the German army and navy.

In giving me this information M. Sazonof added that the Russian Government are continuing none the less their efforts towards conciliation. He repeated to me: "I shall continue to negotiate until the last moment."

PALÉOLOGUE.

## No. 103.

*M. Paléologue, French Ambassador at St. Petersburg, to M. René Viviani,  
President of the Council, Minister for Foreign Affairs*

ST. PETERSBURGH, July 30, 1914.

The German Ambassador came to-night and again urged on M. Sazonof, but in less categorical terms, that Russia should cease her military preparations, and affirmed that Austria would not infringe the territorial integrity of Servia:

"It is not only the territorial integrity of Servia which we must safe-

guard," answered M. Sazonof, "but also her independence and her sovereignty. We cannot allow Serbia to become a vassal of Austria."

M. Sazonof added:

The situation is too serious for me not to tell you all that is in my mind. By intervening at St. Petersburg while she refuses to intervene at Vienna, Germany is only seeking to gain time so as to allow Austria to crush the little Servian kingdom before Russia can come to its aid. But the Emperor Nicholas is so anxious to prevent war that I am going to make a new proposal to you in his name:

If Austria, recognizing that her dispute with Serbia has assumed the character of a question of European interest, declares herself ready to eliminate from her ultimatum the clauses which are damaging to the sovereignty of Serbia, Russia undertakes to stop all military preparations.

Count Pourtalès promised to support this proposal with his Government.

In the mind of M. Sazonof, the acceptance of this proposal by Austria would have, as a logical corollary, the opening of a discussion by the Powers in London.

The Russian Government again show by their attitude that they are neglecting nothing in order to stop the conflict.

PALÉOLOGUE.

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No. 104.

*M. Dumaine, French Ambassador at Vienna, to M. René Viviani, Minister for Foreign Affairs*

VIENNA, July 30, 1914.

In spite of the communication made yesterday by the Russian Ambassador to several of his colleagues, among them the German Ambassador, with reference to the partial mobilization in his country, the Vienna press refrained from publishing the news. This enforced silence has just been explained at an interview of great importance between M. Schebeko and Count Berchtold, who examined at length the present formidable difficulties with equal readiness to apply to them mutually acceptable solutions.

M. Schebeko explained that the only object of the military preparations on the Russian side was to reply to those made by Austria, and to indicate the intention and the right of the Tsar to formulate his views on the settlement of the Servian question. The steps towards

mobilization taken in Galicia, answered Count Berchtold, have no aggressive intention and are only directed towards maintaining the situation as it stands. On both sides endeavors will be made to prevent these measures from being interpreted as signs of hostility.

With a view to settling the Austro-Servian dispute it was agreed that *pourparlers* should be resumed at St. Petersburg between M. Sazonof and Count Szápáry; they had only been interrupted owing to a misunderstanding, as Count Berchtold thought that the Russian Minister for Foreign Affairs claimed that the Austrian representative should be given powers which would allow him to modify the terms of the Austrian ultimatum. Count Szápáry will only be authorized to discuss what settlement would be compatible with the dignity and prestige for which both empires had equal concern.

It would therefore for the moment be in this direct form, and only between the two most interested Powers, that the discussion which Sir Edward Grey proposed to entrust to the four Powers not directly interested would take place.

Sir M. de Bunsen, who was with me, at once declared to M. Schebeko that the Foreign Office would entirely approve of this new procedure. Repeating the statement he made at the Ballplatz, the Russian Ambassador stated that his government would take a much broader view than was generally supposed of the demands of the Monarchy; M. Schebeko did everything to convince Count Berchtold of the sincerity of Russia's desire to arrive at an agreement which would be acceptable to the two empires.

The interview was carried on in a friendly tone and gave reason for thinking that all chances of localizing the dispute were not lost, when the news of the German mobilization arrived at Vienna.

DUMAINE.

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No. 105.

*M. Jules Cambon, French Ambassador at Berlin, to M. René Viviani, President of the Council, Minister for Foreign Affairs*

BERLIN, July 30, 1914.

Herr von Jagow telephoned to me at 2 o'clock that the news of the German mobilization which had spread an hour before was false, and asked me to inform you of this urgently; the Imperial Government is

confiscating the extra edition of the papers which announced it. But neither this communication nor these steps diminish my apprehension with regard to the plans of Germany.

It seems certain that the Extraordinary Council held yesterday evening at Potsdam with the military authorities under the presidency of the Emperor decided on mobilization, and this explains the preparation of the special edition of the *Lokal Anzeiger*, but that from various causes (the declaration of England that she reserved her entire liberty of action, the exchange of telegrams between the Tsar and William II) the serious measures which had been decided upon were suspended.

One of the Ambassadors with whom I have very close relations saw Herr von Zimmermann at 2 o'clock. According to the Under-Secretary of State the military authorities are very anxious that mobilization should be ordered, because every delay makes Germany lose some of her advantages. Nevertheless up to the present the haste of the General Staff, which sees war in mobilization, had been successfully prevented. In any case mobilization may be decided upon at any moment. I do not know who has issued in the *Lokal Anzeiger*, a paper which is usually semi-official, premature news calculated to cause excitement in France.

Further, I have the strongest reasons to believe that all the measures for mobilization which can be taken before the publication of the general order of mobilization have already been taken here, and that they are anxious here to make us publish our mobilization first in order to attribute the responsibility to us.

JULES CAMBON.

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No. 106.

*M. René Viviani, President of the Council, Minister for Foreign Affairs,  
to M. Paul Cambon, French Ambassador at London*

PARIS, July 30, 1914.

Please inform Sir E. Grey of the following facts concerning French and German military preparations. England will see from this that if France is resolved, it is not she who is taking aggressive steps.

You will direct the attention of Sir E. Grey to the decision taken by the Council of Ministers this morning; although Germany has made her covering dispositions a few hundred metres from the frontier along

the whole front from Luxemburg to the Vosges, and has transported her covering troops to their war positions, we have kept our troops ten kilometres from the frontier and forbidden them to approach nearer.

Our plan, conceived in the spirit of the offensive, provided, however, that the fighting positions of our covering troops should be as near to the frontier as possible. By leaving a strip of territory undefended against sudden aggression of the enemy, the Government of the Republic hopes to prove that France does not bear, any more than Russia, the responsibility for the attack.

In order to be convinced of this it is sufficient to compare the steps taken on the two sides of our frontier; in France, soldiers who were on leave were not recalled until we were certain that Germany had done so five days before.

In Germany, not only have the garrison troops of Metz been pushed up to the frontier, but they have been reinforced by units transported by train from garrisons of the interior such as Treves or Cologne; nothing like this has been done in France.

The arming of positions on the frontier (clearing of trees, placing of armament, construction of batteries and protection of railway junctions) was begun in Germany on Saturday, the 25th; with us it is going to be begun, for France can no longer refrain from taking similar measures.

The railway stations were occupied by the military in Germany on Saturday, the 25th; in France on Tuesday, the 28th.

Finally, in Germany the reservists by tens of thousands have been recalled by individual summons, those living abroad (the classes of 1903 to 1911) have been recalled, the officers of reserve have been summoned; in the interior the roads are closed, motor-cars only circulate with permits. It is the last stage before mobilization. None of these measures have been taken in France.

The German army has its outposts on our frontier; on two occasions yesterday German patrols penetrated our territory. The whole 16th army corps from Metz, reinforced by part of the 8th from Treves and Cologne, occupies the frontier from Metz to Luxemburg; the 15th army corps from Strassburg is massed on the frontier.

Under penalty of being shot, the inhabitants of the annexed parts of Alsace-Lorraine are forbidden to cross the frontier.

RENÉ VIVIANI.

## No. 107.

*M. Jules Cambon, French Ambassador at Berlin, to M. René Viviani,  
President of the Council, Minister for Foreign Affairs*

BERLIN, July 30, 1914.

The British Ambassador has not been informed of Germany's reply to Sir E. Grey's request. He told me that Berlin had consulted Vienna and was still waiting to hear from her ally.

My Russian colleague has just told me that Herr von Jagow (to whom Count Pourtalès had communicated the conciliatory formula suggested by M. Sazonof for an Austro-Russian understanding) had just told him that he found this proposal unacceptable to Austria, thus showing the negative action of German diplomacy at Vienna.

JULES CAMBON.

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No. 108.

*M. Paul Cambon, French Ambassador at London, to M. René Viviani,  
President of the Council, Minister for Foreign Affairs*

LONDON, July 30, 1914.

Prince Lichnowsky has not brought any reply to the request addressed to him by Sir E. Grey yesterday to obtain from the German Government a formula for the intervention of the four Powers in the interest of peace. But my German colleague questioned the Secretary of State for Foreign Affairs about the military preparations of England.

Sir E. Grey replied that they were not of an offensive character, but that in the present state of affairs on the continent it was natural to take some precautions; that in England, as in France, there was a desire to maintain peace, and that if in England, as in France, defensive measures were under consideration, it was not with the object of making any aggression.

The information which your excellency has addressed to me on the subject of the military measures taken by Germany on the French frontier gave me the opportunity of remarking to Sir E. Grey that it is no longer a question of a conflict of influence between Russia and Austria-Hungary, but that there is a risk of an act of aggression which might provoke general war.



Sir E. Grey understood my feelings perfectly, and he thinks, as I do, that the moment has come to consider and discuss together every hypothesis.

PAUL CAMBON.

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No. 109.

*M. Jules Cambon, French Ambassador at Berlin, to M. René Viviani,  
President of the Council, Minister for Foreign Affairs*

BERLIN, July 30, 1914.

In the interview which I had to-day with the Secretary of State, I asked Herr von Jagow what reply he had made to Sir E. Grey, who had asked him to draw up himself the formula for the intervention of the disinterested Powers.

He answered that "to gain time," he had decided to act directly, and that he had asked Austria to tell him the ground on which conversations might be opened with her. This answer has the effect, under a pretext of proceeding more quickly, of eliminating England, France and Italy, and of entrusting to Herr von Tschirsky, whose Pan-German and Russophobe sentiments are well known, the duty of persuading Austria to adopt a conciliatory attitude.

Herr von Jagow then spoke to me of the Russian mobilization on the Austrian frontier; he told me that this mobilization compromised the success of all intervention with Austria, and that everything depended on it. He added that he feared that Austria would mobilize completely as a result of a partial Russian mobilization, and this might cause as a counter-measure complete Russian mobilization and consequently that of Germany.

I pointed out to the Secretary of State that he had himself told me that Germany would only consider herself obliged to mobilize if Russia mobilized on her German frontiers, and that this was not being done. He replied that this was true, but that the heads of the army were insisting on it, for every delay is a loss of strength for the German army, and "that the words of which I reminded him did not constitute a firm engagement on his part."

The impression which I received from this conversation is that the chances of peace have again decreased.

JULES CAMBON.

No. 110.

*M. Paul Cambon, French Ambassador at London, to M. René Viviani,  
President of the Council, Minister for Foreign Affairs*

LONDON, July 31, 1914.

At the beginning of our conversation to-day Sir E. Grey told me that Prince Lichnowsky had asked him this morning if England would observe neutrality in the conflict which is at hand. The Secretary of State for Foreign Affairs replied that, if the conflict became general, England would not be able to remain neutral, and especially that if France were involved England would be drawn in.

I then asked Sir E. Grey concerning the Cabinet Council which took place this morning. He replied that after having examined the situation, the Cabinet had thought that for the moment the British Government were unable to guarantee to us their intervention, that they intended to take steps to obtain from Germany and France an understanding to respect Belgian neutrality, but that before considering intervention it was necessary to wait for the situation to develop.

I asked Sir E. Grey if, before intervening, the British Government would await the invasion of French territory. I insisted on the fact that the measures already taken on our frontier by Germany showed an intention to attack in the near future, and that, if a renewal of the mistake of Europe in 1870 was to be avoided, England should consider at once the circumstances in which she would give France the help on which she relied.

Sir E. Grey replied that the opinion of the Cabinet had only been formed on the situation at the moment, that the situation might be modified, and that in that case a meeting of the Cabinet would be called together at once in order to consider it.

Sir A. Nicolson, whom I saw on leaving the room of the Secretary of State, told me that the Cabinet would meet again to-morrow, and confidentially gave me to understand that the Secretary of State for Foreign Affairs would be certain to renew the discussion.

According to your instructions, I have taken the necessary steps to secure that the autograph letter which the President of the Republic has addressed to His Majesty the King of England should be given to the King this evening. This step, which will certainly be communicated to the Prime Minister to-morrow morning, will, I am sure, be taken into serious consideration by the British Cabinet. PAUL CAMBON.

## No. 111.

*M. Mollard, French Minister at Luxemburg, to M. René Viviani, President of the Council, Minister for Foreign Affairs*

LUXEMBURG, July 31, 1914.

The Minister of State has just left the Legation, he has just told me that the Germans have closed the bridges over the Moselle at Schengen and at Remich with vehicles and the bridge at Wormeldange with ropes. The bridges at Wasserbillig and at D'Echternach over the Sûre have not been closed, but the Germans no longer allow the export from Prussia of corn, cattle or motor cars.

M. Eyschen requested me—and this was the real object of his visit—to ask you for an official declaration to the effect that France will, in case of war, respect the neutrality of Luxemburg. When I asked him if he had received a similar declaration from the German Government, he told me that he was going to the German Minister to get the same declaration.

*Postscript.*—Up to the present no special measure has been taken by the Cabinet of Luxemburg. M. Eyschen has returned from the German Legation. He complained of the measures showing suspicion which were taken against a neutral neighbour. The Minister of State has asked the German Minister for an official declaration from his government undertaking to respect the neutrality. Herr von Buch is stated to have replied, "That is a matter of course, but it would be necessary for the French Government to give the same undertaking."

MOLLARD.

## No. 112.

*M. René Viviani, President of the Council, Minister for Foreign Affairs, to the French Ambassadors at London, St. Petersburg, Berlin, Vienna, and Rome*

PARIS, July 31, 1914.

The British Ambassador has handed me a note from his government asking the French Government to support a proposal at St. Petersburg for the peaceful solution of the Austro-Servian conflict.

This note shows that the German Ambassador has informed Sir E. Grey of the intention of his government to try to exercise influence

on the Austro-Hungarian Government after the capture of Belgrade and the occupation of the districts bordering on the frontier, in order to obtain a promise not to advance further, while the Powers endeavored to secure that Serbia should give sufficient satisfaction to Austria; the occupied territory would be evacuated as soon as she had received satisfaction.

Sir E. Grey made this suggestion on the 29th July, and expressed the hope that military preparations would be suspended on all sides. Although the Russian Ambassador at London has informed the Secretary of State that he fears that the Russian condition (*if Austria, recognizing that her conflict with Serbia has assumed the character of a question of European interest, declares herself ready to eliminate from her ultimatum the points which endanger the principle of Servian sovereignty, Russia undertakes to stop all military preparations*) cannot be modified, Sir E. Grey thinks that, if Austria stops her advance after the occupation of Belgrade, the Russian Government could agree to change their formula in the following way:

That the Powers would examine how Serbia should give complete satisfaction to Austria without endangering the sovereignty or independence of the Kingdom. In case Austria after occupying Belgrade and the neighboring Servian territory should declare herself ready, in the interests of Europe, to stop her advance and to discuss how an arrangement might be arrived at, Russia could also consent to the discussion and suspend her military preparations, provided that the other Powers acted in the same way.

In accordance with the request of Sir E. Grey, the French Government joined in the English suggestion, and in the following terms asked their Ambassador at St. Petersburg to try to obtain, without delay, the assent of the Russian Government:

Please inform M. Sazonof urgently that the suggestion of Sir E. Grey appears to me to furnish a useful basis for conversation between the Powers, who are equally desirous of working for an honorable arrangement of the Austro-Servian conflict, and of averting in this manner the dangers which threaten general peace.

The plan proposed by the Secretary of State for Foreign Affairs, by stopping the advance of the Austrian army and by entrusting to the Powers the duty of examining how Serbia could give full satisfaction to Austria without endangering the sovereign rights and the independence of the Kingdom, by thus affording Russia a means of suspending all military preparations, while the other Powers are to act in the same way, is calculated equally to give satisfaction to Russia and to Austria and to provide for Serbia an acceptable means of issue from the present difficulty.

I would ask you carefully to be guided by the foregoing considerations in earnestly pressing M. Sazonof to give his adherence without delay to the proposal of Sir E. Grey, of which he will have been himself informed.

RENÉ VIVIANI.

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No. 113.

*M. Paléologue, French Ambassador at St. Petersburg, to M. René Viviani,  
President of the Council, Minister of Foreign Affairs*

ST. PETERSBURGH, July 31, 1914.

The news of the bombardment of Belgrade during the night and morning of yesterday has provoked very deep feeling in Russia. One cannot understand the attitude of Austria, whose provocations since the beginning of the crisis have regularly followed Russia's attempts at conciliation and the satisfactory conversations exchanged between St. Petersburg and Vienna.

Nevertheless, desirous of leaving nothing undone in order to prove his sincere desire to safeguard peace, M. Sazonof informs me that he has modified his formula, as requested by the British Ambassador, in the following way:

If Austria consents to stay the march of her troops on Servian territory, and if, recognizing that the Austro-Servian conflict has assumed the character of a question of European interest, she admits that the great Powers may examine the satisfaction which Serbia can accord to the Austro-Hungarian Government, without injury to her sovereign rights as a State and to her independence, Russia undertakes to preserve her waiting attitude.

PALÉOLOGUE.

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No. 114.

*M. René Viviani, President of the Council, Minister for Foreign Affairs,  
to the French Ambassadors at London, St. Petersburg, Berlin,  
Vienna, Rome, and Constantinople.*

PARIS, July 31, 1914.

The efforts made up till now concurrently by England and Russia with the earnest support of France (obtained in advance for every peaceful effort) with the object of a direct understanding between

Vienna and St. Petersburg, or of the mediation of the four Powers in the most appropriate form, are being united to-day; Russia, giving a fresh proof of her desire for an understanding, has hastened to reply to the first appearance of an overture made by Germany since the beginning of the crisis (as to the conditions on which Russia would stop her military preparations) by indicating a formula, and then modifying it in accordance with the request of England; there ought to be hope, therefore, negotiations having also been begun again between the Russian and Austrian Ambassadors, that English mediation will complete at London that which is being attempted by direct negotiations at Vienna and St. Petersburg.

Nevertheless, the constant attitude of Germany who, since the beginning of the conflict, while ceaselessly protesting to each Power her peaceful intentions, has actually, by her dilatory or negative attitude, caused the failure of all attempts at agreement, and has not ceased to encourage through her Ambassador the uncompromising attitude of Vienna; the German military preparations begun since the 25th July and subsequently continued without cessation; the immediate opposition of Germany to the Russian formula, declared at Berlin unacceptable for Austria before that Power had even been consulted; in conclusion, all the impressions derived from Berlin bring conviction that Germany has sought to humiliate Russia, to disintegrate the Triple Entente, and if these results could not be obtained, to make war.

RENÉ VIVIANI.

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No. 115.

*M. Dumaine, French Ambassador at Vienna, to M. René Viviani, President of the Council, Minister for Foreign Affairs*

VIENNA, July 31, 1914.

General mobilization for all men from 19 to 42 years of age was declared by the Austro-Hungarian Government this morning at 1 o'clock.

My Russian colleague still thinks that this step is not entirely in contradiction to the declaration made yesterday by Count Berchtold.

DUMAINE.

## No. 116.

*M. Jules Cambon, French Ambassador at Berlin, to M. René Viviani,  
President of the Council, Minister for Foreign Affairs*

BERLIN, July 31, 1914.

Herr von Jagow sent for me and has just told me that he was very sorry to inform me that in the face of the total mobilization of the Russian army, Germany, in the interest of the security of the Empire, found herself obliged to take serious precautionary measures. What is called "Kriegsgefahrzustand" (the state of danger of war) has been declared, and this allows the authorities to proclaim, if they deem it expedient, a state of siege, to suspend some of the public services, and to close the frontier.

At the same time a demand is being made at St. Petersburg that they should demobilize, as well on the Austrian as on the German side, otherwise Germany would be obliged to mobilize on her side. Herr von Jagow told me that Herr von Schoen had been instructed to inform the French Government of the resolution of the Berlin Cabinet and to ask them what attitude they intended to adopt.

JULES CAMBON.

## No. 117.

*M. René Viviani, President of the Council, Minister for Foreign Affairs,  
to M. Paléologue, French Ambassador at St. Petersburg*

PARIS, July 31, 1914.

The German Government decided at mid-day to take all military measures implied by the state called "state of danger of war."

In communicating this decision to me at 7 o'clock this evening, Baron von Schoen added that the government required at the same time that Russia should demobilize. If the Russian Government has not given a satisfactory reply within twelve hours Germany will mobilize in her turn.

I replied to the German Ambassador that I had no information at all about an alleged total mobilization of the Russian army and navy which the German Government invoked as the reason for the new military measures which they are taking to-day.

Baron von Schoen finally asked me, in the name of his government, what the attitude of France would be in case of war between Germany

and Russia. He told me that he would come for my reply to-morrow (Saturday) at 1 o'clock.

I have no intention of making any statement to him on this subject, and I shall confine myself to telling him that France will have regard to her interests. The Government of the Republic need not indeed give any account of her intentions except to her ally.

I ask you to inform M. Sazonof of this immediately. As I have already told you, I have no doubt that the Imperial Government, in the highest interests of peace, will do everything on their part to avoid anything that might render inevitable or precipitate the crisis.

RENÉ VIVIANI.

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No. 118.

*M. Paléologue, French Ambassador at St. Petersburg, to M. René Viviani, President of Council, Minister for Foreign Affairs*

ST. PETERSBURGH, July 31, 1914.

As a result of the general mobilization of Austria and of the measures for mobilization taken secretly, but continuously, by Germany for the last six days, the order for the general mobilization of the Russian army has been given, Russia not being able, without most serious danger, to allow herself to be further out-distanced; really she is only taking military measures corresponding to those taken by Germany.

For imperative reasons of strategy the Russian Government, knowing that Germany was arming, could no longer delay the conversion of her partial mobilization into a general mobilization.

PALÉOLOGUE.

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No. 119.

*M. Klobukowski, French Minister at Brussels, to M. René Viviani, President of the Council, Minister for Foreign Affairs*

BRUSSELS, July 31, 1914.

*L'Agence Havas* having announced that the state "of danger of war" had been declared in Germany, I told M. Davignon that I could assure him that the Government of the Republic would respect the neutrality of Belgium.

The Minister for Foreign Affairs replied that the Government of



the King had always thought that this would be so, and thanked me. The Russian Minister and the British Minister, whom I saw subsequently, appeared much pleased that in the circumstances I gave this assurance, which further, as the English Minister told me, was in accordance with the declaration of Sir E. Grey.

KLOBUKOWSKI.

## CHAPTER VI

DECLARATION OF WAR BY GERMANY ON RUSSIA (SATURDAY, AUGUST 1, AT 7.10 P. M.); AND ON FRANCE (MONDAY, AUGUST 3, AT 6.45 P. M.)

No. 120.

*M. René Viviani, President of the Council, Minister for Foreign Affairs, to the French Ambassadors at London, St. Petersburg, Berlin, Vienna, Rome*

PARIS, August 1, 1914.

Two *démarches* were made yesterday evening by the Austrian Ambassadors—the one at Paris, which was rather vague, the other at St. Petersburg, precise and conciliatory.

Count Scézszen came to explain to me that the Austro-Hungarian Government had officially informed Russia that it had no territorial ambition, and would not touch the sovereignty of Serbia; that it also repudiates any intention of occupying the Sandjak; but that these explanations of disinterestedness only retain their force if the war remains localized to Austria and Serbia, as a European war would open out eventualities which it was impossible to foresee. The Austrian Ambassador, in commenting on these explanations, gave me to understand that if his government could not answer the questions of the Powers speaking in their own name, they would certainly answer Serbia, or any single Power asking for these conditions in the name of Serbia. He added that a step in this direction was perhaps still possible.

At St. Petersburg the Austrian Ambassador called on M. Sazonof and explained to him that his government was willing to begin a discussion as to the basis of the ultimatum addressed to Serbia. The Russian Minister declared himself satisfied with this declaration, and proposed that the *pourparlers* should take place in London with the participation of the Powers. M. Sazonof will have requested the English Government to take the lead in the discussion; he pointed out

that it would be very important that Austria should stop her operations in Servia.

The deduction from these facts is that Austria would at last show herself ready to come to an agreement, just as the Russian Government is ready to enter into negotiations on the basis of the English proposal.

Unfortunately these arrangements which allowed one to hope for a peaceful solution appear, in fact, to have been rendered useless by the attitude of Germany. This Power has in fact presented an ultimatum giving the Russian Government twelve hours in which to agree to the demobilization of their forces not only as against Germany, but also as against Austria; this time-limit expires at noon. The ultimatum is not justified, for Russia has accepted the English proposal which implies a cessation of military preparation by all the Powers.

The attitude of Germany proves that she wishes for war. And she wishes for it against France. Yesterday when Herr von Schoen came to the Quai d'Orsay to ask what attitude France proposed to take in case of a Russo-German conflict, the German Ambassador, although there has been no direct dispute between France and Germany, and although from the beginning of the crisis we have used all our efforts for a peaceful solution and are still continuing to do so, added that he asked me to present his respects and thanks to the President of the Republic, and asked that we would be good enough to make arrangements as to him personally (*des dispositions pour sa propre personne*); we know also that he has already put the archives of the embassy in safety. This attitude of breaking off diplomatic relations without any direct dispute, and although he has not received any definitely negative answer, is characteristic of the determination of Germany to make war against France. The want of sincerity in her peaceful protestations is shown by the rupture which she is forcing upon Europe at a time when Austria had at last agreed with Russia to begin negotiations.

RENÉ VIVIANI.

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No. 121.

*M. Jules Cambon, French Ambassador at Berlin, to M. René Viviani,  
President of the Council, Minister for Foreign Affairs*

BERLIN, August 1, 1914.

My Russian colleague received yesterday evening two telegrams from M. Sazonof advising him that the Austrian Ambassador at St. Peters-

burgh had explained that his government was ready to discuss the note to Servia with the Russian Government even as to its basis; M. Sazonof answered that in his opinion these conversations should take place in London.

The ultimatum to Russia can only do away with the last chances of peace which these conversations still seemed to leave. The question may be asked whether in such circumstances the acceptance by Austria was serious, and had not the object of throwing the responsibility of the conflict on to Russia.

My British colleague during the night made a pressing appeal to Herr von Jagow's feelings of humanity. The latter answered that the matter had gone too far and that they must wait for the Russian answer to the German ultimatum. But he told Sir Edward Goschen that the ultimatum required that the Russians should countermand their mobilization, not only as against Germany but also as against Austria; my British colleague was much astonished at this, and said that it did not seem possible for Russia to accept this last point.

Germany's ultimatum coming at the very moment when an agreement seemed about to be established between Vienna and St. Petersburg, is characteristic of her warlike policy.

In truth the conflict was between Russia and Austria only, and Germany could only intervene as an ally of Austria; in these circumstances, as the two Powers which were interested as principals were prepared for conversations, it is impossible to understand why Germany should send an ultimatum to Russia instead of continuing like all the other Powers to work for a peaceful solution, unless she desired war on her own account.

J. CAMBON.

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No. 122.

*M. René Viviani, President of the Council, Minister for Foreign Affairs, to the French Ambassadors at London, Berlin, and to the French Minister at Brussels*

PARIS, August 1, 1914.

The British Ambassador, under the instructions of his government, came to ask me what would be the attitude of the French Government as regards Belgium in case of conflict with Germany.

I stated that, in accordance with the assurance which we had repeatedly given the Belgian Government, we intended to respect their neutrality.

It would only be in the event of some other Power violating that neutrality that France might find herself brought to enter Belgian territory, with the object of fulfilling her obligations as a guaranteeing Power.

RENÉ VIVIANI.

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No. 123.

*M. Jules Cambon, French Ambassador at Berlin, to M. René Viviani, President of the Council, Minister for Foreign Affairs*

BERLIN, August 1, 1914.

The British Ambassador has been instructed by his government to make to the German Government a communication identical with that which he made to you on the subject of the neutrality of Belgium.

Herr von Jagow answered that he would take the instructions of the Emperor and the Chancellor, but that he did not think an answer could be given, for Germany could not disclose her military plans in this way. The British Ambassador will see Herr von Jagow to-morrow afternoon.

J. CAMBON.

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No. 124.

*M. Barrère, French Ambassador at Rome, to M. René Viviani, President of the Council, Minister for Foreign Affairs*

ROME, August 1, 1914.

I went to see the Marquis di San Giuliano this morning at half-past eight, in order to get precise information from him as to the attitude of Italy in view of the provocative acts of Germany and the results which they may have.

The Minister for Foreign Affairs answered that he had seen the German Ambassador yesterday evening. Herr von Flotow had said to him that Germany had requested the Russian Government to suspend mobilization, and the French Government to inform them as to

their intentions; Germany had given France a time limit of eighteen hours and Russia a time limit of twelve hours.

Herr von Flotow as a result of this communication asked what were the intentions of the Italian Government.

The Marquis di San Giuliano answered that as the war undertaken by Austria was aggressive and did not fall within the purely defensive character of the Triple Alliance, particularly in view of the consequences which might result from it according to the declaration of the German Ambassador, Italy would not be able to take part in the war.

BARRÈRE.

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No. 125.

*M. René Viviani, President of the Council, Minister for Foreign Affairs, to the French Ambassadors at London, St. Petersburg, Berlin, Vienna, Rome, Madrid, Constantinople*

PARIS, August 1, 1914.

The German Ambassador came to see me again at 11 o'clock this morning. After having recalled to his memory all the efforts made by France towards an honorable settlement of the Austro-Servian conflict and the difficulty between Austria and Russia which has resulted from it, I put him in possession of the facts as to the *pourparlers* which have been carried on since yesterday:

- (1) An English compromise, proposing, besides other suggestions, suspension of military preparations on the part of Russia, on condition that the other Powers should act in the same way; adherence of Russia to this proposal.
- (2) Communications from the Austrian Government declaring that they did not desire any aggrandizement in Servia, nor even to advance into the Sandjak, and stating that they were ready to discuss *even the basis* of the Austro-Servian question at London with the other Powers.

I drew attention to the attitude of Germany who, abandoning all *pourparlers*, presented an ultimatum to Russia at the very moment when this Power had just accepted the English formula (which implies the cessation of military preparations by all the countries which have mobilized) and regarded as imminent a diplomatic rupture with France.

Baron von Schoen answered that he did not know the developments

which had taken place in this matter for the last twenty-four hours, that there was perhaps in them a "glimmer of hope" for some arrangement, that he had not received any fresh communication from his government, and that he was going to get information. He gave renewed protestations of his sincere desire to unite his efforts to those of France for arriving at a solution of the conflict. I laid stress on the serious responsibility which the Imperial Government would assume if, in circumstances such as these, they took an initiative which was not justified and of a kind which would irremediably compromise peace.

Baron von Schoen did not allude to his immediate departure and did not make any fresh request for an answer to his question concerning the attitude of France in case of an Austro-Russian conflict. He confined himself to saying of his own accord that the attitude of France was not doubtful.

It would not do to exaggerate the possibilities which may result from my conversation with the German Ambassador for, on their side, the Imperial Government continue the most dangerous preparations on our frontier. However, we must not neglect the possibilities, and we should not cease to work towards an agreement. On her side France is taking all military measures required for protection against too great an advance in German military preparations. She considers that her attempts at solution will only have a chance of success so far as it is felt that she will be ready and resolute if the conflict is forced on her.

RENÉ VIVIANI.

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No. 126.

*M. Paul Cambon, French Ambassador at London, to M. René Viviani,  
President of the Council, Minister for Foreign Affairs*

PARIS, August 1, 1914.

Sir Edward Grey said to me that, at a meeting this morning, the Cabinet had again considered the situation. As Germany had asked England to give a declaration of neutrality and had not obtained it, the British Government remained masters of their action; this could shape itself in accordance with different hypotheses.

In the first place, Belgian neutrality is of great importance to England. France has immediately renewed her engagement to respect it. Germany has explained "that she was not in a position to reply."

Sir Edward Grey will put the Cabinet in possession of this answer and will ask to be authorized to state on Monday in the House of Commons, that the British Government will not permit a violation of Belgian neutrality.

In the second place, the English fleet is mobilized, and Sir Edward Grey will propose to his colleagues that he should state that it will oppose the passage of the Straits of Dover by the German fleet, or, if the German fleet should pass through (*venaient à le passer*), will oppose any demonstration on the French coasts. These two questions will be dealt with at the meeting on Monday. I drew the attention of the Secretary of State to the point that, if during this intervening period any incident took place, it was necessary not to allow a surprise, and that it would be desirable to think of intervening in time.

PAUL CAMBON.

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No. 127.

*M. René Viviani, President of the Council, Minister for Foreign Affairs,  
to M. Paul Cambon, French Ambassador at London*

PARIS, August 1, 1914.

We are warned through several channels that the German and the Austrian Governments are trying at this moment to influence England by making her believe that the responsibility for war, if it breaks out, will fall on Russia. Efforts are being made to obtain the neutrality of England by disguising the truth.

France has not ceased in co-operation with England to advise moderation at St. Petersburg; this advice has been listened to.

From the beginning M. Sazonof has exercised pressure on Servia to make her accept all those clauses of the ultimatum which were not incompatible with her sovereignty.

He then engaged in a direct conversation with Austria; this was fresh evidence of his conciliatory spirit. Finally he has agreed to allow those Powers which are less interested to seek for means of composing the dispute.

In accordance with the wish expressed to him by Sir George Buchanan, M. Sazonof consented to modify the first formula which he had put forward, and he has drawn up a second which is shown not to differ

materially from the declaration which Count Scézszen made yesterday to M. de Margerie. Count Scézszen affirms that Austria has no intention of seeking territorial aggrandizement and does not wish to touch the sovereignty of Servia. He expressly adds that Austria has no designs on the Sandjak of Novi-Bazar.

It would then seem that an agreement between Sir Edward Grey's suggestion, M. Sazonof's formula and the Austrian declarations could easily be reconciled.

France is determined, in co-operation with England, to work to the very end for the realization of this.

But while these negotiations were going on, and while Russia in the negotiations showed a good will which cannot be disputed, Austria was the first to proceed to a general mobilization.

Russia has found herself obliged to imitate Austria, so as not to be left in an unfavorable position, but all the time she has continued ready to negotiate.

It is not necessary for me to repeat that, so far as we are concerned, we will, in co-operation with England, continue to work for the success of these *pourparlers*.

But the attitude of Germany has made it absolutely compulsory for us to make out the order for mobilization to-day.

Last Wednesday, well in advance of Russian mobilization, as I have already telegraphed to you, Herr von Schoen announced to me the impending publication of *Kriegsgefahrzustand*. This measure has been taken by Germany, and under the protection of this screen, she immediately began a mobilization in the proper sense of the word.

To-day M. Paléologue telegraphed that Count Pourtalès had notified the Russian Government of German mobilization.

Information which has been received by the Ministry of War confirms the fact that this mobilization is really in full execution.

Our decree of mobilization is then an *essential measure* of protection. The government have accompanied it by a proclamation signed by the President of the Republic and by all the Ministers, in which they explain that mobilization is not war, and that in the present state of affairs it is the best means for France of safeguarding peace, and that the Government of the Republic will redouble their efforts to bring the negotiations to a conclusion.

Will you be good enough to bring all these points urgently to the notice of Sir Edward Grey, and to point out to him that we have through-



out been governed by the determination not to commit any act of provocation?

I am persuaded that in case war were to break out, English opinion would see clearly from which side aggression comes, and that it would realize the strong reasons which we have given to Sir Edward Grey for asking for armed intervention on the part of England in the interest of the future of the European balance of power.

RENÉ VIVIANI.

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No. 128.

*M. Mollard, French Minister at Luxemburg, to M. René Viviani, President of the Council, Minister for Foreign Affairs*

LUXEMBURG, August 1, 1914.

The Minister of State instructs me to ask from the French Government an assurance of neutrality similar to that which has been given to Belgium. M. Eyschen has stated that at present, as the declaration in question was made to the President of the Council of the Belgian Government by the French Minister at Brussels, he thought that the same procedure would be most suitable with regard to the Grand Duchy.

This is the reason why he has abstained from making a request direct to the Government of the Republic. As the Chamber of Deputies meets on Monday, M. Eyschen wishes to have the answer by that date; a similar *démarche* is being made at the same time with the German Minister at Luxemburg.

MOLLARD.

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No. 129.

*M. René Viviani, President of the Council, Minister for Foreign Affairs, to M. Mollard, French Minister at Luxemburg*

PARIS, August 1, 1914.

Be good enough to state to the President of the Council that in conformity with the Treaty of London, 1867, the Government of the Republic intends to respect the neutrality of the Grand Duchy of Luxemburg, as they have shown by their attitude.

The violation of this neutrality by Germany would, however, be an act of a kind which would compel France from that time to be guided in this matter by care for her defence and her interests.

RENÉ VIVIANI.

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No. 130.

*M. Jules Cambon, French Ambassador at Berlin, to M. René Viviani, President of the Council, Minister for Foreign Affairs*

BERLIN, August 1, 1914.

Special editions of newspapers are being distributed in the streets of Berlin announcing that the general mobilization of the army and the navy has been decreed and that the first day of the mobilization is Sunday, 2nd August.

JULES CAMBON.

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No. 131.

*M. Eyschen, Minister of State for Luxemburg, to M. René Viviani, President of the Council, Minister for Foreign Affairs*

LUXEMBURG, August 2, 1914.

I have the honor to bring to your excellency's notice the following facts:

On Sunday, the 2nd August, very early, German troops, according to the information which has up to now reached the Grand Ducal Government, penetrated into Luxemburg territory by the bridges of Wasserbillig and Remich, and proceeded especially towards the south and in the direction of Luxemburg, the capital of the Grand Duchy. A certain number of armored trains with troops and ammunition have been sent along the railway line from Wasserbillig to Luxemburg, where their arrival is immediately expected. These occurrences constitute acts which are manifestly contrary to the neutrality of the Grand Duchy as guaranteed by the Treaty of London of 1867. The Luxemburg Government have not failed to address an energetic protest against this aggression to the representatives of His Majesty the Ger-

man Emperor at Luxemburg. An identical protest will be sent by telegraph to the Secretary of State for Foreign Affairs at Berlin.

*The Minister of State,  
President of the Government.*

EYSCHEN.

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No. 132.

*M. Mollard, French Minister at Luxemburg, to M. René Viviani, President of the Council, Minister for Foreign Affairs*

LUXEMBURG, August 2, 1914.

The Minister of State for Luxemburg, M. Eyschen, has just received, through Herr von Buch, German Minister at Luxemburg, a telegram from Bethmann-Hollweg, Chancellor of the German Empire, saying that the military measures taken by Germany in Luxemburg do not constitute a hostile act against this country, but are solely measures tended to assure the use of the railways which have been leased to the Empire against the eventual attack of a French army. Luxemburg will receive a complete indemnity for any damage.

MOLLARD.

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No. 133.

*Note handed in by the German Ambassador*

PARIS, August 2, 1914.

The German Ambassador has just been instructed, and hastens to inform the Minister for Foreign Affairs, that the military measures taken by Germany in the Grand Duchy of Luxemburg do not constitute an act of hostility. They must be considered as purely preventive measures taken for the protection of the railways, which, under the treaties between Germany and the Grand Duchy of Luxemburg, are under German administration.

VON SCHOEN.

## No. 134.

*M. Paléologue, French Ambassador at St. Petersburg, to M. René Viviani,  
President of the Council, Minister for Foreign Affairs*

ST. PETERSBURGH, August 2, 1914.

Yesterday at ten minutes past seven in the evening the German Ambassador handed to M. Sazonof a declaration of war by his government; he will leave St. Petersburg to-day.

The Austro-Hungarian Ambassador has not received any instructions from his Government as to the declaration of war.

PALÉOLOGUE.

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## No. 135.

*M. René Viviani, President of the Council, Minister for Foreign Affairs,  
to the Representatives of France abroad*

PARIS, August 2, 1914.

The Russian Ambassador informs me that Germany has just declared war on Russia, notwithstanding the negotiations which are proceeding, and at a moment when Austria-Hungary was agreeing to discuss with the Powers even the basis of her conflict with Servia.

RENÉ VIVIANI.

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## No. 136.

*M. René Viviani, President of the Council, Minister for Foreign Affairs,  
to the French Ambassadors at London, St. Petersburg, Berlin,  
Vienna, Rome, Madrid, Constantinople*

PARIS, August 2, 1914.

This morning, French territory was violated by German troops at Ciry and near Longwy. They are marching on the fort which bears the latter name. Elsewhere the custom house at Delle has twice been fired upon. Finally, German troops have also violated this morning the neutral territory of Luxemburg.

You will at once use this information to lay stress on the fact that

the German Government is committing itself to acts of war against France without provocation on our part, or any previous declaration of war, whilst we have scrupulously respected the zone of ten kilometres which we have maintained, even since the mobilization, between our troops and the frontier.

RENÉ VIVIANI.

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No. 137.

*M. Paul Cambon, French Ambassador at London, to M. René Viviani, President of the Council, Minister for Foreign Affairs*

LONDON, August 2, 1914.

After the meeting of the Cabinet held this morning, Sir Edward Grey made the following declaration to me:

I am authorized to give an assurance that, if the German fleet comes into the Channel or through the North Sea to undertake hostile operations against French coasts or shipping, the British fleet will give all the protection in its power.

This assurance is of course subject to the policy of His Majesty's Government receiving the support of Parliament, and must not be taken as binding His Majesty's Government to take any action until the above contingency of action by the German fleet takes place.

Afterwards in speaking to me of the neutrality of Belgium and that of Luxemburg, the Secretary of State reminded me that the Convention of 1867, referring to the Grand Duchy, differed from the treaty referring to Belgium, in that England was bound to require the observance of this latter convention without the assistance of the other guaranteeing Powers, while with regard to Luxemburg all the guaranteeing Powers were to act in concert.

The protection of Belgian neutrality is here considered so important that England will regard its violation by Germany as a *casus belli*. It is a specially English interest and there is no doubt that the British Government, faithful to the traditions of their policy, will insist upon it, even if the business world in which German influence is making tenacious efforts, exercises pressure to prevent the government committing itself against Germany.

PAUL CAMBON.

## No. 138.

*M. René Viviani, President of the Council, Minister for Foreign Affairs,  
to M. Paul Cambon, French Ambassador at London*

PARIS, August 2, 1914.

I note the points contained in your telegrams of the 27th, 30th, 31st July and the 1st August, and in that which you have sent to me to-day.

In communicating to the Chambers the declaration which Sir Edward Grey has made to you, the text of which is contained in your last telegram, I will add that in it we have obtained from Great Britain a first assistance which is most valuable to us.

In addition, I propose to indicate that the help which Great Britain intends to give to France for the protection of the French coasts or the French merchant marine, will be used in such a way that our navy will also, in case of a Franco-German conflict, be supported by the English fleet in the Atlantic as well as in the North Sea and Channel. In addition I would note that English ports could not serve as places for revictualling for the German fleet.

RENÉ VIVIANI.

## No. 139.

*M. René Viviani, President of the Council, Minister for Foreign Affairs,  
to M. Jules Cambon, French Ambassador at Berlin*

PARIS, August 2, 1914.

German troops having to-day violated the eastern frontier at several points I request you immediately to protest in writing to the German Government. You will be good enough to take as your text the following note which, in the uncertainty of communications between Paris and Berlin, I have addressed directly to the German Ambassador:

The French administrative and military authorities in the eastern district have just reported several acts which I have instructed the Ambassador of the Republic at Berlin to bring to the knowledge of the Imperial Government.

The first has taken place at Delle in the district of Belfort; on two occasions the French customs station in this locality has been fired upon by a detachment of German soldiers. North of Delle two German patrols of the 5th mounted Jaegers crossed the frontier this morning and advanced to the villages of Joncherey and Baron,

more than ten kilometres from the frontier. The officer who commanded the first has blown out the brains of a French soldier. The German cavalry carried off some horses which the French mayor of Suarce was collecting and forced the inhabitants of the commune to lead the said horses.

The Ambassador of the Republic at Berlin has been instructed to make a formal protest to the Imperial Government against acts which form a flagrant violation of the frontier by German troops in arms, and which are not justified by anything in the present situation. The Government of the Republic can only leave to the Imperial Government the entire responsibility for these acts.

RENÉ VIVIANI.

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No. 140.

*M. Marcelin Pellet, French Minister at The Hague, to M. René Viviani,  
President of the Council, Minister for Foreign Affairs*

THE HAGUE, August 3, 1914.

The German Minister called yesterday on the Minister for Foreign Affairs to explain the necessity under which, as he said, Germany was placed of violating the neutral territory of Luxemburg, adding that he would have a fresh communication to make to him to-day. He has now this morning announced the entry of German troops into Belgium in order, as he has explained, to prevent an occupation of that country by France.

PELLET.

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No. 141.

*M. Klobukowski, French Minister at Brussels, to M. René Viviani,  
President of the Council, Minister for Foreign Affairs*

BRUSSELS, August 3, 1914.

Yesterday evening the German Minister handed to the Belgian Government an ultimatum stating that his government, having learnt that the French were preparing for operations in the districts of Givet and of Namur, were compelled to take steps, the first of which was to invite the Belgian Government to inform them, within seven hours, if they were disposed to facilitate military operations in Belgium against France. In case of refusal the fortune of war would decide.

The Government of the King answered that the information as to the French movement appeared to them to be inaccurate in view of the formal assurances which had been given by France, and were still quite recent; that Belgium, which since the establishment of her Kingdom, has taken every care to assure the protection of her dignity and of her interests, and has devoted all her efforts to peaceful development of progress, strongly protests against any violation of her territory from whatever quarter it may come: and that, supposing the violation takes place, she will know how to defend with energy her neutrality, which has been guaranteed by the Powers, and notably by the King of Prussia.

KLOBUKOWSKI.

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No. 142.

*M. Klobukowski, French Minister at Brussels, to M. René Viviani,  
President of the Council, Minister for Foreign Affairs*

BRUSSELS, August 3, 1914.

To the assurance which I gave him that if Belgium appealed to the guarantee of the Powers against the violation of her neutrality by Germany, France would at once respond to her appeal, the Minister for Foreign Affairs answered:

It is with great sincerity that we thank the Government of the Republic for the support which it would eventually be able to offer us, but under present conditions we do not appeal to the guarantee of the Powers. At a later date the Government of the King will weigh the measures which it may be necessary to take.

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No. 143.

*M. Paul Cambon, French Ambassador at London, to M. René Viviani,  
President of the Council, Minister for Foreign Affairs*

LONDON, August 3, 1914.

Sir Edward Grey has authorized me to inform you that you could state to Parliament that he was making explanations to the Commons



as to the present attitude of the British Government, and that the chief of these declarations would be as follows:

In case the German fleet came into the Channel or entered the North Sea in order to go round the British Isles with the object of attacking the French coasts or the French navy and of harassing French merchant shipping, the English fleet would intervene in order to give to French shipping its complete protection, in such a way that from that moment England and Germany would be in a state of war.

Sir Edward Grey explained to me that the mention of an operation by way of the North Sea implied protection against a demonstration in the Atlantic Ocean.

The declaration concerning the intervention of the English fleet must be considered as binding the British Government. Sir Edward Grey has assured me of this and has added that the French Government were thereby authorized to inform the Chambers of this.

On my return to the embassy I received your telephonic communication relating to the German ultimatum addressed to Belgium. I immediately communicated it to Sir Edward Grey.

PAUL CAMBON.

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No. 144.

*M. Paul Cambon, French Ambassador at London, to M. René Viviani, President of the Council, Minister for Foreign Affairs*

LONDON, August 3, 1914.

Just as Sir Edward Grey was starting this morning for the meeting of the Cabinet, my German colleague, who had already seen him yesterday, came to press him to say that the neutrality of England did not depend upon respecting Belgian neutrality. Sir Edward Grey refused all conversation on this matter.

The German Ambassador has sent to the press a *communiqué* saying that if England remained neutral Germany would give up all naval operations and would not make use of the Belgian coast as a *point d'appui*. My answer is that respecting the coast is not respecting the neutrality of the territory, and that the German ultimatum is already a violation of this neutrality.

PAUL CAMBON.

## No. 145.

*M. Paul Cambon, French Ambassador at London, to M. René Viviani, President of the Council, Minister for Foreign Affairs*

LONDON, August 3, 1914.

Sir Edward Grey has made the statement regarding the intervention of the English fleet. He has explained, in considering the situation, what he proposed to do with regard to Belgian neutrality; and the reading of a letter from King Albert asking for the support of England has deeply stirred the House.

The House will this evening vote the credit which is asked for; from this moment its support is secured to the policy of the government, and it follows public opinion which is declaring itself more and more in our favor.

PAUL CAMBON.

## No. 146.

*M. René Viviani, President of the Council, Minister for Foreign Affairs, to M. Paul Cambon, French Ambassador at London*

PARIS, August 3, 1914.

I am told that the German Ambassador is said to have stated to the Foreign Office that yesterday morning eighty French officers in Prussian uniform had attempted to cross the German frontier in twelve motor cars at Walbeck, to the west of Geldern, and that this formed a very serious violation of neutrality on the part of France.

Be good enough urgently to contradict this news which is pure invention, and to draw the attention of the Foreign Office to the German campaign of false news which is beginning.

RENÉ VIVIANI.

## No. 147.

*Letter handed by the German Ambassador to M. René Viviani, President of the Council, Minister for Foreign Affairs, during his farewell audience, August 3, 1914, at 6.45 p. m.*

M. le Président,

The German administrative and military authorities have established a certain number of flagrantly hostile acts committed on German

territory by French military aviators. Several of these have openly violated the neutrality of Belgium by flying over the territory of that country; one has attempted to destroy buildings near Wesel; others have been seen in the district of the Eifel, one has thrown bombs on the railway near Carlsruhe and Nuremberg.

I am instructed, and I have the honor to inform your excellency, that in the presence of these acts of aggression the German Empire considers itself in a state of war with France in consequence of the acts of this latter Power.

At the same time I have the honor to bring to the knowledge of your excellency that the German authorities will detain French mercantile vessels in German ports, but they will release them if, within forty-eight hours, they are assured of complete reciprocity.

My diplomatic mission having thus come to an end it only remains for me to request your excellency to be good enough to furnish me with my passports, and to take the steps you consider suitable to assure my return to Germany, with the staff of the embassy, as well as with the staff of the Bavarian Legation and of the German Consulate General in Paris.

Be good enough, M. le Président, to receive the assurances of my deepest respect.

(Signed) SCHOEN.

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No. 148.

*M. René Viviani, President of the Council, Minister for Foreign Affairs,  
to the French Representatives abroad*

PARIS, August 3, 1914.

The German Ambassador has asked for his passports and is leaving this evening with the staffs of the embassy, the German Consulate General and the Bavarian Legation. Baron von Schoen has given as his reason the establishment by the German administrative and military authorities of acts of hostility which are said to have been committed by French military aviators accused of having flown over territory of the Empire and thrown bombs. The Ambassador adds that the aviators are said to have also violated the neutrality of Belgium by flying over Belgian territory. "In the presence of these acts of aggression," says the

letter of Baron von Schoen, "the German Empire considers itself in a state of war with France in consequence of the acts of this latter Power."

I formally challenged the inaccurate allegations of the Ambassador, and for my part I reminded him that I had yesterday addressed to him a note protesting against the flagrant violations of the French frontier committed two days ago by detachments of German troops.

RENÉ VIVIANI.

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No. 149.

*M. René Viviani, President of the Council, Minister for Foreign Affairs,  
to M. Jules Cambon, French Ambassador at Berlin*

*(Telegram communicated to French Representatives abroad)*

PARIS, August 3, 1914.

I request you to ask for your passports and to leave Berlin at once with the staff of the embassy, leaving the charge of French interests and the care of the archives to the Spanish Ambassador. I request you at the same time to protest in writing against the violation of the neutrality of Luxemburg by German troops, of which notice has been given by the Prime Minister of Luxemburg; against the ultimatum addressed to the Belgian Government by the German Minister at Brussels to force upon them the violation of Belgian neutrality and to require of that country that she should facilitate military operations against France on Belgian territory; finally against the false allegation of an alleged projected invasion of these two countries by French armies, by which he has attempted to justify the state of war which he declares henceforth exists between Germany and France.

RENÉ VIVIANI.

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No. 150.

*M. René Viviani, President of the Council, Minister for Foreign Affairs,  
to M. Allizé, French Minister at Munich*

PARIS, August 3, 1914.

Be good enough to inform the Royal Bavarian Government that you have received instructions to adapt your attitude to that of our Ambassador at Berlin and to leave Munich.

RENÉ VIVIANI.

## No. 151.

*M. René Viviani, President of the Council, Minister for Foreign Affairs, to the French Representatives at London, St. Petersburg, Vienna, Rome, Madrid, Berne, Constantinople, The Hague, Copenhagen, Christiania, Stockholm, Bucharest, Athens, Belgrade*

PARIS, August 3, 1914.

I learn from an official Belgian source that German troops have violated Belgian territory at Gemmerich in the district of Verviers.

RENÉ VIVIANI.

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## No. 152.

*M. Klobukowski, French Minister at Brussels, to M. René Viviani, President of the Council, Minister for Foreign Affairs*

BRUSSELS, August 4, 1914.

The Chief of the Cabinet of the Ministry of Foreign Affairs sends me a letter by which

the Government of the King declare that they are firmly decided to resist the aggression of Germany by all means in their power. Belgium appeals to England, France and Russia to co-operate as guarantors in the defence of her territory.

There would be a concerted and common action having as its object the resistance of forcible measures employed by Germany against Belgium, and at the same time to guarantee the maintenance of the independence and integrity of Belgium in the future.

Belgium is glad to be able to declare that she will ensure the defence of her fortified places.

KLOBUKOWSKI.

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## No. 153.

*M. Paul Cambon, French Ambassador at London, to M. René Viviani, President of the Council, Minister for Foreign Affairs*

LONDON, August 4, 1914.

Sir Edward Grey has asked me to come and see him immediately in order to tell me that the Prime Minister would to-day make a statement in the House of Commons that Germany had been invited to withdraw

her ultimatum to Belgium and to give her answer to England before 12 o'clock to-night.

PAUL CAMBON.

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No. 154.

*M. Klobukowski, French Minister at Brussels, to M. René Viviani,  
President of the Council, Minister for Foreign Affairs*

BRUSSELS, August 4, 1914.

This morning the German Minister informs the Belgian Minister for Foreign Affairs, that in consequence of the refusal of the Belgian Government the Imperial Government find themselves compelled to carry out by force of arms those measures of protection which are rendered indispensable by the French threats.

KLOBUKOWSKI.

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No. 155.

*M. Bapst, French Minister at Copenhagen, to M. Doumergue, Minister  
for Foreign Affairs*

COPENHAGEN, August 6, 1914.

The French Ambassador at Berlin asks me to communicate to your excellency the following telegram:

I have been sent to Denmark by the German Government. I have just arrived at Copenhagen. I am accompanied by all the staff of the Embassy and the Russian Chargé d'Affaires at Darmstadt with his family. The treatment which we have received is of such a nature that I have thought it desirable to make a complete report on it to your excellency by telegram.

On the morning of Monday, the 3rd August, after I had, in accordance with your instructions, addressed to Herr von Jagow a protest against the acts of aggression committed on French territory by German troops, the Secretary of State came to see me. Herr von Jagow came to complain of acts of aggression which he alleged had been committed in Germany, especially at Nuremberg and Coblenz by French aviators, who according to his statement "had come from Belgium." I answered that I had not the slightest information as to the facts to which he attached so much importance and the improbability of which seemed

to me obvious; on my part I asked him if he had read the note which I had addressed to him with regard to the invasion of our territory by detachments of the German army. As the Secretary of State said that he had not yet read this note I explained its contents to him. I called his attention to the act committed by the officer commanding one of the detachments who had advanced to the French village of Joncherey, ten kilometres within our frontier, and had blown out the brains of a French soldier whom he had met there. After having given my opinion of this act I added: "You will admit that under no circumstances could there be any comparison between this and the flight of an aeroplane over foreign territory carried out by private persons animated by that spirit of individual courage by which aviators are distinguished."

"An act of aggression committed on the territory of a neighbor by detachments of regular troops commanded by officers assumes an importance of quite a different nature."

Herr von Jagow explained to me that he had no knowledge of the facts of which I was speaking to him, and he added that it was difficult for events of this kind not to take place when two armies filled with the feelings which animated our troops found themselves face to face on either side of the frontier.

At this moment the crowds which thronged the Pariser Platz in front of the embassy and whom we could see through the window of my study, which was half-open, uttered shouts against France. I asked the Secretary of State when all this would come to an end.

"The Government has not yet come to a decision" Herr von Jagow answered. "It is probable that Herr von Schoen will receive orders to-day to ask for his passports and then you will receive yours." The Secretary of State assured me that I need not have any anxiety with regard to my departure, and that all the proprieties would be observed with regard to me as well as my staff. We were not to see one another any more and we took leave of one another after an interview which had been courteous and could not make me anticipate what was in store for me.

Before leaving Herr von Jagow I expressed to him my wish to make a personal call on the Chancellor, as that would be the last opportunity that I should have of seeing him.

Herr von Jagow answered that he did not advise me to carry out this intention as this interview would serve no purpose and could not fail to be painful.

At 6 o'clock in the evening Herr von Langwerth brought me my passports. In the name of his government he refused to agree to the wish which I expressed to him that I should be permitted to travel by Holland or Belgium. He suggested to me that I should go either by way of Copenhagen, although he could not assure me a free passage by sea, or through Switzerland via Constance.

I accepted this last route; Herr von Langwerth having asked me to leave as soon as I possibly could it was agreed, in consideration of the

necessity I was under of making arrangements with the Spanish Ambassador, who was undertaking the charge of our interests, that I should leave on the next day, the 4th August, at 10 o'clock at night.

At 7 o'clock, an hour after Herr von Langwerth had left, Herr von Lancken, formerly councillor of the embassy at Paris, came from the Minister for Foreign Affairs to tell me to request the staff of my embassy to cease taking meals in the restaurants. This order was so strict that on the next day, Tuesday, I had to have recourse to the authority of the Wilhelmstrasse to get the Hotel Bristol to send our meals to the embassy.

At 11 o'clock on the same evening, Monday, Herr von Langwerth came back to tell me that his government would not allow our return by way of Switzerland under the pretext that it would take three days and three nights to take me to Constance. He announced that I should be sent by way of Vienna. I only agreed to this alteration under reserve, and during the night I wrote the following letter to Herr von Langwerth:

BERLIN, *August 3, 1914.*

M. LE BARON,

I have been thinking over the route for my return to my country about which you came to speak to me this evening. You propose that I shall travel by Vienna. I run the risk of finding myself detained in that town, if not by the action of the Austrian Government, at least owing to the mobilization which creates great difficulties similar to those existing in Germany as to the movements of trains.

Under these circumstances I must ask the German Government for a promise made on their honor that the Austrian Government will send me to Switzerland, and that the Swiss Government will not close its frontier either to me or to the persons by whom I am accompanied, as I am told that that frontier has been firmly closed to foreigners.

I cannot then accept the proposal that you have made to me unless I have the security which I ask for, and unless I am assured that I shall not be detained for some months outside my country.

JULES CAMBON.

In answer to this letter on the next morning, Tuesday, the 4th August, Herr von Langwerth gave me in writing an assurance that the Austrian and Swiss authorities had received communications to this effect.

At the same time M. Miladowski, attached to the Consulate at Berlin, as well as other Frenchmen, was arrested in his own house while in bed. M. Miladowski, for whom a diplomatic passport had been requested, was released after four hours.

I was preparing to leave for Vienna when, at a quarter to five, Herr von Langwerth came back to inform me that I would have to leave with the persons accompanying me at 10 o'clock in the evening, but that I should be taken to Denmark. On this new requirement I asked if I



should be confined in a fortress supposing I did not comply. Herr von Langwerth simply answered that he would return to receive my answer in half an hour. I did not wish to give the German Government the pretext for saying that I had refused to depart from Germany. I therefore told Herr von Langwerth when he came back that I would submit to the order which had been given to me but "that I protested."

I at once wrote to Herr von Jagow a letter of which the following is a copy:

BERLIN, *August 4, 1914.*

Sir,

More than once your excellency has said to me that the Imperial Government, in accordance with the usages of international courtesy, would facilitate my return to my own country and would give me every means of getting back to it quickly.

Yesterday, however, Baron von Langwerth, after refusing me access to Belgium and Holland, informed me that I should travel to Switzerland via Constance. During the night I was informed that I should be sent to Austria, a country which is taking part in the present war on the side of Germany. As I had no knowledge of the intentions of Austria towards me, since on Austrian soil I am nothing but an ordinary private individual, I wrote to Baron von Langwerth that I requested the Imperial Government to give me a promise that the Imperial and Royal Austrian authorities would give me all possible facilities for continuing my journey and that Switzerland would not be closed to me. Herr von Langwerth has been good enough to answer me in writing that I could be assured of an easy journey and that the Austrian authorities would do all that was necessary.

It is nearly five o'clock, and Baron von Langwerth has just announced to me that I shall be sent to Denmark. In view of the present situation, there is no security that I shall find a ship to take me to England and it is this consideration which made me reject this proposal, with the approval of Herr von Langwerth.

In truth no liberty is left me and I am treated almost as a prisoner. I am obliged to submit, having no means of obtaining that the rules of international courtesy should be observed towards me, but I hasten to protest to your excellency against the manner in which I am being treated.

JULES CAMBON.

Whilst my letter was being delivered I was told that the journey would not be made direct but by way of Schleswig. At 10 o'clock in the evening, I left the embassy with my staff in the middle of a great assembly of foot and mounted police.

At the station the Ministry for Foreign Affairs was only represented by an officer of inferior rank.

The journey took place with extreme slowness. We took more than

twenty-four hours to reach the frontier. It seemed that at every station they had to wait for orders to proceed. I was accompanied by Major von Rheinbaben of the Alexandra Regiment of the Guard and by a police officer. In the neighborhood of the Kiel Canal the soldiers entered our carriages. The windows were shut and the curtains of the carriages drawn down; each of us had to remain isolated in his compartment and was forbidden to get up or to touch his luggage. A soldier stood in the corridor of the carriage before the door of each of our compartments which were kept open, revolver in hand and finger on the trigger. The Russian Chargé d'Affaires, the women and children and everyone were subjected to the same treatment.

At the last German station about 11 o'clock at night, Major von Rheinbaben came to take leave of me. I handed to him the following letter to Herr von Jagow.

Wednesday Evening, *August 5, 1914.*

Sir,

Yesterday before leaving Berlin, I protested in writing to your excellency against the repeated change of route which was imposed upon me by the Imperial Government on my journey from Germany.

To-day, as the train in which I was passed over the Kiel Canal an attempt was made to search all our luggage as if we might have hidden some instrument of destruction. Thanks to the interference of Major von Rheinbaben, we were spared this insult. But they went further.

They obliged us to remain each in his own compartment, the windows and blinds having been closed. During this time, in the corridors of the carriages at the door of each compartment and facing each one of us, stood a soldier, revolver in hand, finger on the trigger, for nearly half an hour.

I consider it my duty to protest against this threat of violence to the Ambassador of the Republic and the staff of his Embassy, violence which nothing could even have made me anticipate. Yesterday I had the honor of writing to your excellency that I was being treated almost as a prisoner. To-day I am being treated as a dangerous prisoner. Also I must record that during our journey which from Berlin to Denmark has taken twenty-four hours, no food has been prepared nor provided for me nor for the persons who were travelling with me to the frontier.

JULES CAMBON.

I thought that our troubles had finished, when shortly afterwards Major von Rheinbaben came, rather embarrassed, to inform me that the train would not proceed to the Danish frontier if I did not pay the cost of this train. I expressed my astonishment that I had not been made to pay at Berlin and that at any rate I had not been forewarned of this. I offered to pay by a cheque on one of the largest Berlin banks.

This facility was refused me. With the help of my companions I was able to collect, in gold, the sum which was required from me at once, and which amounted to 3,611 marks 75 pfennig. This is about 5,000 francs in accordance with the present rate of exchange.<sup>1</sup>

After this last incident, I thought it necessary to ask Major von Rheinbaben for his word of honor as an officer and a gentleman that we should be taken to the Danish frontier. He gave it to me, and I required that the policeman who was with us should accompany us.

In this way we arrived at the first Danish station, where the Danish Government had had a train made ready to take us to Copenhagen.

I am assured that my English colleague and the Belgian Minister, although they left Berlin after I did, travelled by the direct route to Holland. I am struck by this difference of treatment, and as Denmark and Norway are, at this moment infested with spies, if I succeed in embarking in Norway, there is a danger that I may be arrested at sea with the officials who accompany me.

I do not wish to conclude this despatch without notifying your excellency of the energy and devotion of which the whole staff of the embassy has given unceasing proof during the course of this crisis. I shall be glad that account should be taken of the services which on this occasion have been rendered to the Government of the Republic, in particular by the secretaries of the embassy and by the military and naval attachés.

JULES CAMBON.

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No. 156.

*M. Mollard, French Minister at Luxemburg, to M. Doumergue, Minister for Foreign Affairs*

PARIS, August 5, 1914.

The Minister of State came to see me at the legation this morning, Tuesday, 4th August, 1914, at about half-past eight o'clock, in order to notify me that the German military authorities required my departure. On my answering that I would only give way to force M. Eyschen said that he understood my feelings in this matter, and it was just for that reason that he had himself come to make this communication which cost him so much, for it was just because force was used that he asked me to leave. He added that he was going to bring me written proof of this.

I did not conceal from M. Eyschen the grief and anxiety which I had

<sup>1</sup> Subsequently the sum thus required from M. Jules Cambon was given to the Spanish Ambassador to be repaid to the French Ambassador.

in leaving my fellow-countrymen without defence, and asked him to be good enough to undertake their protection; this he promised to do.

Just as he was leaving he handed me the enclosed letter (Enclosure I) which is the answer of the Luxemburg Government to the declaration which I had made the evening before, according to telegraphic instructions of M. Viviani.

About 10 o'clock, the Minister of State came again to the legation and left me with a short note from himself, a certified copy of the letter which the German Minister had addressed to him on the subject of my departure from Luxemburg. (Enclosures II and III.)

At the same time he told me that he had informed Herr von Buch that the Luxemburg Government would be entrusted with the protection of the French and would have charge of the legation and the chancery. This news did not seem to be agreeable to my German colleague, who advised M. Eyschen to move me to entrust this responsibility to the Belgian Minister. I explained to the Minister of State that the situation was peculiar. As I was accredited to Her Royal Highness the Grand Duchess and as my country was not in a state of war with Luxemburg, it was in these circumstances clearly indicated that it should be the Luxemburg Government which should look after the safety of my fellow-countrymen. M. Eyschen did not insist, and again accepted the service which I entrusted to him.

The Minister of State then asked me to be good enough to leave quietly in order to avoid any demonstration, which, as he said, would not fail to bring about reprisals on the part of the German military authorities against the French. I answered that I attached too much value to the safety of my countrymen to compromise it and that he had nothing to fear.

My departure, which was required to take place as soon as possible, was fixed for two o'clock; it was at the same time understood that I should leave in my motor car. As to a safe conduct, M. Eyschen told me that the German Minister was at that very moment at the German headquarters to ask for it, and that he would take care that I received it in good time.

At a quarter-past two the Minister of State accompanied by M. Henrion, Councillor of the Government, came to take leave of me and to receive the keys of the legation and those of the chancery.

He told me that orders had been given for my free passage, and that I must make for Arlon by way of the Merle, Mamers and Arlon roads.

He added that a German officer would wait for me at the Merle road to go in front of my motor car.

I then left the legation and made my way to Arlon by the road which had been determined on, but I did not meet anyone.

Your excellency will have the goodness to find the enclosed text of the letter which I sent to the Minister of State before leaving my post.  
(Enclosure IV.)

MOLLARD.

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ENCLOSURE I.

*M. Eyschen, Minister of State, President of the Government, to M. Mollard,  
French Envoy Extraordinary and Minister Plenipotentiary at Luxem-  
burg*

LUXEMBURG, August 4, 1914.

Sir,

In an oral communication made yesterday evening, your excellency has had the goodness to bring to my knowledge that in accordance with the Treaty of London of 1867, the Government of the Republic intended to respect the neutrality of the Grand Duchy of Luxemburg as they had shown by their attitude, but that the violation of this neutrality by Germany was nevertheless of such a kind as to compel France henceforth to be influenced in this matter by the care for her defence and her interests.

You will allow me to point out clearly that the decision of the Government of the Republic is based solely on the act of a third Power for which in truth the Grand Duchy is not responsible.

The rights of Luxemburg must then remain intact.

The German Empire has formally declared that only a temporary occupation of Luxemburg entered into their intentions.

I am glad to believe that the Government of the Republic will have no difficulty in establishing with me the fact that at all times and in all circumstances the Grand Duchy has fully and loyally fulfilled all the obligations of every kind which rested on it in virtue of the treaty of 1867.

I remain, etc.,

EYSCHEN,

*Minister of State, President of the  
Government.*

## ENCLOSURE II.

*Private Letter from M. Eyschen, Minister of State, President of the Government, to M. Mollard, French Minister, at Luxemburg*

Sir,

A short time ago I had with very great regret to inform you of the intentions of General von Fuchs with regard to your sojourn in Luxemburg.

As I had the honor to tell you, I asked for confirmation in writing of the decision taken by the military authorities in this matter.

Enclosed is a copy of a letter which I have at this moment received from the German Minister.

He has assured me that in carrying out this step there will be no want of the respect due to your position and person.

Be good enough to receive the renewed expression of my regret and my deep regard.

EYSCHEN.

## ENCLOSURE III.

*To His Excellency the Minister of State, Dr. Eyschen*

Your Excellency,

In accordance with the instructions of his excellency General Fuchs, I have the honor to ask you to be good enough to request the French Minister, M. Mollard, to leave Luxemburg as soon as possible and to return to France; otherwise the German military authorities would find themselves under the painful necessity of placing M. Mollard under the charge of a military escort and in the last extremity of proceeding to his arrest.

I beg your excellency to have the goodness on this occasion to receive the assurance of my deepest regard.

VON BUCH.

## ENCLOSURE IV.

*M. Mollard, French Minister at Luxemburg, to His Excellency M. Eyschen, Minister of State, President of the Government of Luxemburg*

Sir,

LUXEMBURG, August 4, 1914.

I have just received your communication and I submit to force.

Before leaving Luxemburg it is my duty to provide for the fortunes

and safety of my fellow-countrymen. Knowing the spirit of justice and equity of the Luxemburg Government, I have the honor to ask your excellency to take them under your protection, and to watch over the safety of their lives and goods.

At the same time I will ask your excellency to take charge of the legation and the offices of the chancery.

I should be much obliged to your excellency if you would be good enough to lay before Her Royal Highness the Grand Duchess the expression of my deepest respect, and my excuses for not having been able myself to express them to her.

In thanking you for all the marks of sympathy which you have given me I beg you to receive renewed assurances of my deep regard.

ARMAND MOLLARD.

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No. 157.

*Notification by the French Government to the Representatives of the Powers at Paris*

The German Imperial Government, after having allowed its armed forces to cross the frontier, and to permit various acts of murder and pillage on French territory; after having violated the neutrality of the Grand Duchy of Luxemburg in defiance of the stipulations of the Convention of London, 11th May 1867, and of Convention V of the Hague, 18th October 1907, *on the rights and duties of Powers and persons in case of war on land* (Articles 1 and 2), conventions which have been signed by the German Government; after having addressed an ultimatum to the Royal Government of Belgium with the object of requiring passage for German troops through Belgian territory in violation of the treaties of the 19th April 1839, which had been signed by them, and in violation of the above convention of the Hague

Have declared war on France at 6.45 p. m. on the 3rd August 1914.

In these circumstances the Government of the Republic find themselves obliged on their side to have recourse to arms.

They have in consequence the honor of informing by these presents the Government of \* \* \* that a state of war exists between France and Germany dating from 6.45 p. m. on 3rd August 1914.

The Government of the Republic protest before all civilized nations,

and especially those governments which have signed the conventions and treaties referred to above, against the violation by the German Empire of their international engagements, and they reserve full right for reprisals which they might find themselves brought to exercise against an enemy so little regardful of its plighted word.

The Government of the Republic, who propose to observe the principles of the law of nations, will, during the hostilities, and assuming that reciprocity will be observed, act in accordance with the international conventions signed by France concerning the law of war on land and sea.

The present notification, made in accordance with Article 2 of the third Convention of the Hague of the 18th October 1907, relating to the opening of hostilities and handed to \* \* \*

PARIS, August 4, 1914, 2 p. m.

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No. 158.

*Message from M. Poincaré, President of the Republic, read at the Extraordinary Session of Parliament, August 4, 1914*

*(Journal Officiel of the 5th August 1914)*

(The Chamber rises and remains standing during the reading of the message)

GENTLEMEN,

France has just been the object of a violent and premeditated attack, which is an insolent defiance of the law of nations. Before any declaration of war had been sent to us, even before the German Ambassador had asked for his passports, our territory has been violated. The German Empire has waited till yesterday evening to give at this late stage the true name to a state of things which it had already created.

For more than forty years the French, in sincere love of peace, have buried at the bottom of their heart the desire for legitimate reparation.

They have given to the world the example of a great nation which, definitely raised from defeat by the exercise of will, patience and labor, has only used its renewed and rejuvenated strength in the interest of progress and for the good of humanity.



Since the ultimatum of Austria opened a crisis which threatened the whole of Europe, France has persisted in following and in recommending on all sides a policy of prudence, wisdom and moderation.

To her there can be imputed no act, no movement, no word, which has not been peaceful and conciliatory.

At the hour when the struggle is beginning, she has the right, in justice to herself, of solemnly declaring that she has made, up to the last moment, supreme efforts to avert the war now about to break out, the crushing responsibility for which the German Empire will have to bear before history. (*Unanimous and repeated applause.*)

On the very morrow of the day when we and our allies were publicly expressing the hope of seeing negotiations which had been begun under the auspices of the London Cabinet carried to a peaceful conclusion; Germany suddenly declared war upon Russia, she has invaded the territory of Luxemburg, she has outrageously insulted the noble Belgian nation (*loud and unanimous applause*), our neighbor and our friend, and attempted treacherously to fall upon us while we were in the midst of diplomatic conversation. (*Fresh and repeated unanimous applause.*)

But France was watching. As alert as she was peaceful, she was prepared; and our enemies will meet on their path our valiant covering troops, who are at their post and will provide the screen behind which the mobilization of our national forces will be methodically completed.

Our fine and courageous army, which France to-day accompanies with her maternal thought (*loud applause*) has risen eager to defend the honor of the flag and the soil of the country. (*Unanimous and repeated applause.*)

The President of the Republic interpreting the unanimous feeling of the country, expresses to our troops by land and sea the admiration and confidence of every Frenchman. (*Loud and prolonged applause.*)

Closely united in a common feeling, the nation will persevere with the cool self-restraint of which, since the beginning of the crisis, she has given daily proof. Now, as always, she will know how to harmonize the most noble daring and most ardent enthusiasm with that self-control which is the sign of enduring energy and is the best guarantee of victory. (*Applause.*)

In the war which is beginning France will have Right on her side, the eternal power of which cannot with impunity be disregarded by nations any more than by individuals. (*Loud and unanimous applause.*)

She will be heroically defended by all her sons; nothing will break

their sacred union before the enemy; to-day they are joined together as brothers in a common indignation against the aggressor, and in a common patriotic faith. (*Loud and prolonged applause and cries of 'Vive la France.'*)

She is faithfully helped by Russia, her ally (*loud and unanimous applause*); she is supported by the loyal friendship of England. (*Loud and unanimous applause.*)

And already from every part of the civilized world sympathy and good wishes are coming to her. For to-day once again she stands before the universe for Liberty, Justice and Reason (*loud and repeated applause*) 'Haut les cœurs et vive la France!' (*Unanimous and prolonged applause.*)

RAYMOND POINCARÉ.

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No. 159.

*Speech delivered by M. René Viviani, President of the Council, in the Chamber of Deputies, August 4, 1914*

*(Journal Officiel, August 5, 1914)*

M. René Viviani, *President of the Council*

GENTLEMEN,

The German Ambassador yesterday left Paris after notifying us of the existence of a state of war.

The government owe to Parliament a true account of the events which in less than ten days have unloosed a European war and compelled France, peaceful and valiant, to defend her frontier against an attack, the hateful injustice of which is emphasized by its calculated unexpectedness.

This attack, which has no excuse, and which began before we were notified of any declaration of war, is the last act of a plan, whose origin and object I propose to declare before our own democracy and before the opinion of the civilized world.

As a consequence of the abominable crime which cost the Austro-Hungarian Heir-Apparent and the Duchess of Hohenburg their lives, difficulties arose between the Cabinets of Vienna and Belgrade.

The majority of the Powers were only semi-officially informed of these difficulties up till Friday, July 24th, the date on which the Austro-

Hungarian Ambassadors communicated to them a circular which the press has published.

The object of this circular was to explain and justify an ultimatum delivered the evening before to Serbia by the Austro-Hungarian Minister at Belgrade.

This ultimatum in alleging the complicity of numerous Servian subjects and associations in the Serajevo crime, hinted that the official Servian authorities themselves were no strangers to it. It demanded a reply from Serbia by 6 o'clock on the evening of Saturday, July 25th.

The Austrian demands, or at any rate many of them, without doubt struck a blow at the rights of a sovereign State. Notwithstanding their excessive character, Serbia, on July 25th, declared that she submitted to them almost without reserve.

This submission, which constituted a success for Austria-Hungary, a guarantee for the peace of Europe, was not unconnected with the advice tendered to Belgrade from the first moment by France, Russia and Great Britain.

The value of this advice was all the greater since the Austro-Hungarian demands had been concealed from the Chanceries of the Triple Entente, to whom in the three preceding weeks the Austro-Hungarian Government had on several occasions given an assurance that their claims would be extremely moderate.

It was, therefore, with natural astonishment that the Cabinets of Paris, St. Petersburg and London learned on 26th July that the Austrian Minister at Belgrade, after a few minutes' examination, declared that the Servian reply was unacceptable, and broke off diplomatic relations.

This astonishment was increased by the fact that on Friday, the 24th, the German Ambassador came and read to the French Minister for Foreign Affairs a *note verbale* asserting that the Austro-Servian dispute must remain localized, without intervention by the great Powers, or otherwise "incalculable consequences" were to be feared. A similar *démarche* was made on Saturday, the 25th, at London and at St. Petersburg.

Need I, Gentlemen, point out to you the contrast between the threatening expressions used by the German Ambassador at Paris and the conciliatory sentiments which the Powers of the Triple Entente had just manifested by the advice which they gave to Serbia to submit?

Nevertheless, in spite of the extraordinary character of the German

*démarche*, we immediately, in agreement with our allies and our friends, took a conciliatory course and invited Germany to join in it.

We have had from the first moment regretfully to recognize that our intentions and our efforts met with no response at Berlin.

Not only did Germany appear wholly unwilling to give to Austria-Hungary the friendly advice which her position gave her the right to offer, but from this moment and still more in the following days, she seemed to intervene between the Cabinet at Vienna and the compromises suggested by the other Powers.

On Tuesday, 28th July, Austria-Hungary declared war on Servia. This declaration of war, with its aggravation of the state of affairs brought about by the rupture of diplomatic relations three days before, gave ground for believing that there was a deliberate desire for war, and a systematic programme for the enslavement of Servia.

Thus there was now involved in the dispute not only the independence of a brave people, but the balance of power in the Balkans, embodied in the Treaty of Bukarest of 1913 and consecrated by the moral support of all the great Powers.

However, at the suggestion of the British Government with its constant and firm attachment to the maintenance of the peace of Europe, the negotiations were continued, or, to speak more accurately, the Powers of the Triple Entente tried to continue them.

From this common desire sprang the proposal for action by the four Powers, England, France, Germany and Italy, which was intended, by assuring to Austria all legitimate satisfaction, to bring about an equitable adjustment of the dispute.

On Wednesday, the 29th, the Russian Government, noting the persistent failure of these efforts and faced by the Austrian mobilization and declaration of war, fearing the military destruction of Servia, decided as a precautionary measure to mobilize the troops of four military districts, that is to say, the formations echeloned along the Austro-Hungarian frontier exclusively.

In taking this step, the Russian Government were careful to inform the German Government that their measures, restricted as they were and without any offensive character towards Austria, were not in any degree directed against Germany.

In a conversation with the Russian Ambassador at Berlin, the German Secretary of State for Foreign Affairs acknowledged this without demur.

On the other hand, all the efforts made by Great Britain, with the

adherence of Russia and the support of France, to bring Austria and Servia into touch under the moral patronage of Europe were encountered at Berlin with a predetermined negative of which the diplomatic despatches afford the clearest proof.

This was a disquieting situation which made it probable that there existed at Berlin intentions which had not been disclosed. Some hours afterwards this alarming suspicion was destined to become a certainty.

In fact Germany's negative attitude gave place thirty-six hours later to positive steps which were truly alarming. On the 31st July Germany, by proclaiming "a state of danger of war," cut the communications between herself and the rest of Europe, and obtained for herself complete freedom to pursue against France in absolute secrecy military preparations which, as you have seen, nothing could justify.

Already for some days, and in circumstances difficult to explain, Germany had prepared for the transition of her army from a peace footing to a war footing.

From the morning of the 25th July, that is to say even before the expiration of the time limit given to Servia by Austria, she had confined to barracks the garrisons of Alsace-Lorraine. The same day she had placed the frontier-works in a complete state of defence. On the 26th, she had indicated to the railways the measures preparatory for concentration. On the 27th, she had completed requisitions and placed her covering troops in position. On the 28th, the summons of individual reservists had begun and units which were distant from the frontier had been brought up to it.

Could all these measures, pursued with implacable method, leave us in doubt of Germany's intentions?

Such was the situation when, on the evening of the 31st July, the German Government, which, since the 24th, had not participated by any active step in the conciliatory efforts of the Triple Entente, addressed an ultimatum to the Russian Government under the pretext that Russia had ordered a general mobilization of her armies, and demanded that this mobilization should be stopped within twelve hours.

This demand, which was all the more insulting in form because a few hours earlier the Emperor Nicholas II, with a movement at once confiding and spontaneous, had asked the German Emperor for his mediation, was put forward at a moment when, on the request of England and with the knowledge of Germany, the Russian Government was accepting a formula of such a nature as to lay the foundation for a

friendly settlement of the Austro-Servian dispute and of the Austro-Russian difficulties by the simultaneous arrest of military operations and of military preparations.

The same day this unfriendly *démarche* towards Russia was supplemented by acts which were frankly hostile towards France; the rupture of communications by road, railway, telegraph and telephone, the seizure of French locomotives on their arrival at the frontier, the placing of machine guns in the middle of the permanent way which had been cut, and the concentration of troops on this frontier.

From this moment we were no longer justified in believing in the sincerity of the pacific declaration which the German representative continued to shower upon us. (*Hear, hear.*)

We knew that Germany was mobilizing under the shelter of the "state of danger of war."

We learnt that six classes of reservists had been called up, and that transport was being collected even for those army corps which were stationed a considerable distance from the frontier.

As these events unfolded themselves, the government, watchful and vigilant, took from day to day, and even from hour to hour, the measures of precaution which the situation required; the general mobilization of our forces on land and sea was ordered.

The same evening, at 7.30, Germany, without waiting for the acceptance by the Cabinet of St. Petersburg of the English proposal, which I have already mentioned, declared war on Russia.

The next day, Sunday, the 2nd August, without regard for the extreme moderation of France, in contradiction to the peaceful declarations of the German Ambassador at Paris, and in defiance of the rules of international law, German troops crossed our frontier at three different points.

At the same time, in violation of the treaty of 1867, which guaranteed with the signature of Prussia the neutrality of Luxemburg, they invaded the territory of the Grand Duchy and so gave cause for a protest by the Luxemburg Government.

Finally, the neutrality of Belgium also was threatened. The German Minister, on the evening of the 2nd August, presented to the Belgian Government an ultimatum requesting facilities in Belgium for military operations against France, under the lying pretext that Belgian neutrality was threatened by us; the Belgian Government refused, and declared that they were resolved to defend with vigor their neutrality,

which was respected by France and guaranteed by treaties, and in particular by the King of Prussia. (*Unanimous and prolonged applause.*)

Since then, Gentlemen, the German attacks have been renewed, multiplied, and accentuated. At more than fifteen points our frontier has been violated. Shots have been fired at our soldiers and customs officers. Men have been killed and wounded. Yesterday a German military aviator dropped three bombs on Lunéville.

The German Ambassador, to whom as well as to all the great Powers, we communicated these facts, did not deny them or express his regrets for them. On the contrary, he came yesterday evening to ask me for his passports, and to notify us of the existence of a state of war, giving as his reason, in the teeth of all the facts, hostile acts committed by French aviators in German territory in the Eifel district, and even on the railway near Carlsruhe and near Nuremberg. This is the letter which he handed to me on the subject:

M. Le Président,

The German administrative and military authorities have established a certain number of flagrantly hostile acts committed on German territory by French military aviators. Several of these have openly violated the neutrality of Belgium by flying over the territory of that country; one has attempted to destroy buildings near Wesel; others have been seen in the district of the Eifel, one has thrown bombs on the railway near Carlsruhe and Nuremberg.

I am instructed, and I have the honor to inform your excellency, that in the presence of these acts of aggression the German Empire considers itself in a state of war with France in consequence of the acts of this latter Power.

At the same time, I have the honor to bring to the knowledge of your excellency that the German authorities will retain French mercantile vessels in German ports, but they will release them if, within forty-eight hours, they are assured of complete reciprocity.

My diplomatic mission having thus come to an end it only remains for me to request your excellency to be good enough to furnish me with my passports, and to take the steps you consider suitable to assure my return to Germany, with the staff of the Embassy, as well as with the staff of the Bavarian Legation and of the German Consulate General in Paris.

Be good enough, M. le Président, to receive the assurances of my deepest respect.

(Signed) SCHOEN.

Need I, Gentlemen, lay stress on the absurdities of these pretexts which they would put forward as grievances? At no time has any French aviator penetrated into Belgium, nor has any French aviator committed either in Bavaria or any other part of Germany any hostile act. The opinion of Europe has already done justice to these wretched inventions. (*Loud and unanimous applause.*)

Against these attacks, which violate all the laws of justice and all the principles of public law, we have now taken all the necessary steps; they are being carried out strictly, regularly, and with calmness.

The mobilization of the Russian army also continues with remarkable vigor and unrestrained enthusiasm. (*Unanimous and prolonged applause, all the deputies rising from their seats.*) The Belgian army, mobilized with 250,000 men, prepares with a splendid passion and magnificent ardor to defend the neutrality and independence of their country. (*Renewed loud and unanimous applause.*)

The entire English fleet is mobilized and orders have been given to mobilize the land forces. (*Loud cheers, all the deputies rising to their feet.*)

Since 1912 *pourparlers* had taken place between English and French General Staffs and were concluded by an exchange of letters between Sir Edward Grey and M. Paul Cambon. The Secretary of State for Foreign Affairs yesterday evening communicated these letters to the House of Commons, and I have the honor, with the consent of the British Government, to acquaint you with the contents of these two documents.

Foreign Office,  
November 22, 1912.

My dear Ambassador,

From time to time in recent years the French and British naval and military experts have consulted together. It has always been understood that such consultation does not restrict the freedom of either government to decide at any future time whether or not to assist the other by armed force. We have agreed that consultation between experts is not, and ought not to be regarded as, an engagement that commits either government to action in a contingency that has not arisen and may never arise. The disposition, for instance, of the French and British fleets respectively at the present moment is not based upon an engagement to co-operate in war.

You have, however, pointed out that, if either government had grave reason to expect an unprovoked attack by a third Power, it might become essential to know whether it could in that event depend upon the armed assistance of the other.

I agree that, if either government had grave reason to expect an unprovoked attack by a third Power, or something that threatened the general peace, it should immediately discuss with the other whether both governments should act together to prevent aggression and to preserve peace, and, if so, what measures they would be prepared to take in common. If these measures involved action, the plans of the General Staffs would at once be taken into consideration, and the governments would then decide what effect should be given to them.

Yours, &c.,  
E. GREY.



To this letter our Ambassador, M. Paul Cambon, replied on the 23rd November 1912:

LONDON, November 23, 1912.

Dear Sir Edward,

You reminded me in your letter of yesterday, 22nd November, that during the last few years the military and naval authorities of France and Great Britain had consulted with each other from time to time; that it had always been understood that these consultations should not restrict the liberty of either government to decide in the future whether they should lend each other the support of their armed forces; that, on either side, these consultations between experts were not and should not be considered as engagements binding our governments to take action in certain eventualities; that, however, I had remarked to you that, if one or other of the two governments had grave reasons to fear an unprovoked attack on the part of a third Power, it would become essential to know whether it could count on the armed support of the other.

Your letter answers that point, and I am authorized to state that, in the event of one of our two governments having grave reasons to fear either an act of aggression from a third Power, or some event threatening the general peace, that government would immediately examine with the other the question whether both governments should act together in order to prevent the act of aggression or preserve peace. If so, the two governments would deliberate as to the measures which they would be prepared to take in common; if those measures involved action, the two governments would take into immediate consideration the plans of their general staffs and would then decide as to the effect to be given to those plans.

Yours, &c.,

PAUL CAMBON.

In the House of Commons the Secretary of State for Foreign Affairs spoke of France amidst the applause of the members in a noble and warm-hearted manner and his language has already found an echo deep in the hearts of all Frenchmen. (*Loud and unanimous applause.*) I wish in the name of the Government of the Republic to thank the English Government from this tribune for their cordial words and the Parliament of France will associate itself in this sentiment. (*Renewed, prolonged and unanimous applause.*)

The Secretary of State for Foreign Affairs made in particular the following declaration:

In case the German fleet came into the Channel or entered the North Sea in order to go round the British Isles with the object of attacking the French coasts or the French navy and of harassing French merchant shipping, the English fleet would intervene in order to give to French shipping its complete protection in such a way that from that moment England and Germany would be in a state of war.

From now onwards, the English fleet protects our northern and western coasts against a German attack. Gentlemen, these are the facts.

I believe that the simple recital of them is sufficient to justify the acts of the Government of the Republic. I wish, however, to make clear the conclusion to be drawn from my story and to give its true meaning to the unheard-of attack of which France is the victim.

The victors of 1870 have, at different times, as you know, desired to repeat the blows which they dealt us then. In 1875, the war which was intended to complete the destruction of conquered France was only prevented by the intervention of the two Powers to whom we were to become united at a later date by ties of alliance and of friendship (*unanimous applause*), by the intervention of Russia and of Great Britain. (*Prolonged applause, all the deputies rising to their feet.*)

Since then the French Republic, by the restoration of her national forces and the conclusion of diplomatic agreements unswervingly adhered to, has succeeded in liberating herself from the yoke which even in a period of profound peace Bismarck was able to impose upon Europe.

She has re-established the balance of power in Europe, a guarantee of the liberty and dignity of all.

Gentlemen, I do not know if I am mistaken, but it seems to me that this work of peaceful reparation, of liberation and honor finally ratified in 1904 and 1907, with the genial co-operation of King Edward VII of England and the Government of the Crown (*applause*), this is what the German Empire wishes to destroy to-day by one daring stroke.

Germany can reproach us with nothing.

Bearing in silence in our bosom for half a century the wound which Germany dealt us we have offered to peace an unprecedented sacrifice. (*Loud and unanimous applause.*)

We have offered other sacrifices in all the discussions which since 1904 German diplomacy has systematically provoked, whether in Morocco or elsewhere in 1905, in 1906, in 1908, in 1911.

Russia also has given proof of great moderation at the time of the events of 1908, as she has done in the present crisis.

She observed the same moderation, and the Triple Entente with her, when in the Eastern crisis of 1912 Austria and Germany formulated demands, whether against Serbia or against Greece, which still were, as the event proved, capable of settlement by discussion.

Useless sacrifices, barren negotiations, empty efforts, since to-day in the very act of conciliation we, our allies and ourselves, are attacked by surprise. (*Prolonged applause.*)

No one can honestly believe that we are the aggressors. Vain is the

desire to overthrow the sacred principles of right and of liberty to which nations, as well as individuals, are subject; Italy with that clarity of insight possessed by the Latin intellect, has notified us that she proposes to preserve neutrality. (*Prolonged applause, all the deputies rising to their feet.*)

This decision has found in all France an echo of sincerest joy. I made myself the interpreter of this feeling to the Italian Chargé d'Affaires when I told him how much I congratulated myself that the two Latin sisters, who have the same origin and the same ideal, a common and glorious past, are not now opposed to one another. (*Renewed applause.*)

Gentlemen, we proclaim loudly the object of their attack—it is the independence, the honor, the safety, which the Triple Entente has regained in the balance of power for the service of peace. The object of attack is the liberties of Europe, which France, her allies, and her friends, are proud to defend. (*Loud applause.*)

We are going to defend these liberties, for it is they that are in dispute, and all the rest is but a pretext.

France, unjustly provoked, did not desire war, she has done everything to avert it. Since it is forced upon her, she will defend herself against Germany and against every Power which has not yet declared its intentions, but joins with the latter in a conflict between the two countries. (*Applause, all the deputies rising to their feet.*)

A free and valiant people that sustains an eternal ideal, and is wholly united to defend its existence; a democracy which knows how to discipline its military strength, and was not afraid a year ago to increase its burden as an answer to the armaments of its neighbor; a nation armed, struggling for its own life and for the independence of Europe—here is a sight which we are proud to offer to the onlookers in this desperate struggle, that has for some days been preparing with the greatest calmness and method. We are without reproach. We shall be without fear. (*Loud applause, all the deputies rising to their feet.*) France has often proved in less favorable circumstances that she is a most formidable adversary when she fights, as she does to-day, for liberty and for right. (*Applause.*)

In submitting our actions to you, Gentlemen, who are our judges, we have, to help us in bearing the burden of our heavy responsibility, the comfort of a clear conscience and the conviction that we have done our duty. (*Prolonged applause, all the deputies rising to their feet.*)

RENÉ VIVIANI.

## CHAPTER VII

## No. 160.

## DECLARATION OF THE TRIPLE ENTENTE

(September 4, 1914)

## DECLARATION

M. Delcassé, Minister for Foreign Affairs, to the French Ambassadors and Ministers abroad.

PARIS, *September 4, 1914.*

The following declaration has this morning been signed at the Foreign Office at London:

The undersigned duly authorized thereto by their respective governments hereby declare as follows:

The British, French and Russian Governments mutually engage not to conclude peace separately during the present war. The three Governments agree that when terms of peace come to be discussed, no one of the Allies will demand terms of peace without the previous agreement of each of the other Allies.

(Signed) PAUL CAMBON.  
COUNT BENCKENDORFF.  
EDWARD GREY.

This declaration will be published to-day.

DELCASSÉ.

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APPENDICES

EXTRACTS FROM THE "BLUE BOOK" (ENGLISH), FROM THE "GREY BOOK" (BELGIAN), FROM THE "WHITE BOOK" (GERMAN), AND FROM THE "ORANGE BOOK" (RUSSIAN).

## APPENDIX I

*Extracts from the "Blue Book" relating to the Attitude taken by the English Government in regard to Russia, Germany, and France, during the pourparlers which preceded the war.*

No. 6. Sir G. Buchanan, British Ambassador at St. Petersburg, to Sir Edward Grey. July 24, 1914. [October, 1914, Supplement, p. 260.]

No. 87. Sir Edward Grey to Sir F. Bertie, British Ambassador at Paris. July 29, 1914. [October Supplement, p. 320.]

- No. 88. Sir Edward Grey to Sir E. Goschen, British Ambassador at Berlin, July 29, 1914. [October Supplement, p. 321.]
- No. 99. Sir F. Bertie, British Ambassador at Paris, to Sir Edward Grey, July 30, 1914. [October Supplement, p. 331.]
- No. 119. Sir Edward Grey to Sir F. Bertie, British Ambassador at Paris. July 31, 1914. [October Supplement, p. 347.]
- No. 148. Sir Edward Grey to Sir F. Bertie, British Ambassador at Paris. August 2, 1914. [October Supplement, p. 366.]

## APPENDIX II

*Extracts from the "Blue Book" relating to the Proposals made by the German Government to the English Government in order to obtain England's Neutrality.*

- No. 85. Sir E. Goschen, British Ambassador at Berlin, to Sir Edward Grey. July 29, 1914. [October Supplement, p. 318.]
- No. 101. Sir Edward Grey to Sir E. Goschen, British Ambassador at Berlin. July 30, 1914. [October Supplement, p. 333.]
- No. 123. Sir Edward Grey to Sir E. Goschen, British Ambassador at Berlin. August 1, 1914. [October Supplement, p. 351.]

## APPENDIX II (B)

*German attempts to obtain, on the Plea of a "Misunderstanding," a Guarantee by England of the Neutrality of France in a German-Russian War.*

(Semi-official publication in the "Norddeutsche Allgemeine Zeitung," August 20, 1914)

- No. 1. Prince Lichnowsky, German Ambassador at London, to Herr von Bethmann-Hollweg, Chancellor of the German Empire. July 31, 1914. [January, 1915, Supplement, p. 103. Note that the date of this document given in the German official publication is August 1, 1914.]
- No. 2. Telegram from the Emperor William to King George V. August 1, 1914. [January Supplement, p. 103.]
- No. 3. Herr von Bethmann-Hollweg, Chancellor of the Empire, to Prince Lichnowsky, German Ambassador at London. August 1, 1914. [January Supplement, p. 103.]
- No. 4. Telegram from King George V. to the Emperor William. August 1, 1914. [January Supplement, p. 104.]
- No. 5. Prince Lichnowsky, German Ambassador at London, to Herr von Bethmann-Hollweg, Chancellor of the German Empire. August 2, 1914. [January Supplement, p. 104.]

## APPENDIX III

*Extracts from the "Blue Book" relating to England's refusal to admit the German point of view on the question of the violation of Belgian neutrality.*

- No. 153. Sir Edward Grey to Sir E. Goschen, British Ambassador at Berlin. August 4, 1914. [October Supplement, p. 369.]
- No. 155. Sir Edward Grey to Sir F. Villiers, British Minister at Brussels. August 4, 1914. [October Supplement, p. 370.]
- No. 157. German Foreign Secretary to Prince Lichnowsky, German Ambassador at London. August 4, 1914. [October Supplement, p. 371.]
- No. 159. Sir Edward Grey to Sir E. Goschen, British Ambassador at Berlin. August 4, 1914. [October Supplement, p. 371.]
- No. 160. Sir E. Goschen to Sir Edward Grey. August 8, 1914. [October Supplement, p. 411.]

## APPENDIX IV

*Extracts from the "Grey Book" pointing out the Conditions under which Germany violated Belgian Neutrality.*

- No. 2. M. Davignon, Belgian Minister for Foreign Affairs, to the Belgian Ministers at Paris, Berlin, London, Vienna, and St. Petersburg. July 24, 1914. With enclosure. [January Supplement, p. 51.]
- No. 8. M. Davignon, Belgian Minister for Foreign Affairs, to the Belgian Ministers at Berlin, Paris, London, Vienna, St. Petersburg, Rome, The Hague, and Luxemburg. July 29, 1914. [January Supplement, p. 54.]
- No. 9. M. Davignon, Belgian Minister for Foreign Affairs, to the Belgian Ministers at Berlin, Paris, and London. July 31, 1914. [January Supplement, p. 55.]
- No. 11. M. Davignon, Belgian Minister for Foreign Affairs, to the Belgian Ministers at Berlin, London, and Paris. July 31, 1914. [January Supplement, p. 56.]
- No. 12. M. Davignon, Belgian Minister for Foreign Affairs, to the Belgian Ministers at Berlin, London, and Paris. July 31, 1914. With enclosure. [January Supplement, p. 57.]
- No. 13. Count de Lalaing, Belgian Minister at London, to M. Davignon, Belgian Minister for Foreign Affairs. August 1, 1914. [January Supplement, p. 58.]
- No. 14. Baron Beyens, Belgian Minister at Berlin, to M. Davignon, Minister for Foreign Affairs. August 1, 1914. [January Supplement, p. 59.]
- No. 15. M. Davignon, Belgian Minister for Foreign Affairs, to the Belgian Ministers at Berlin, Paris, and London. August 1, 1914. [January Supplement, p. 59.]
- No. 19. M. Davignon, Belgian Minister for Foreign Affairs, to Belgian Ministers at Paris, Berlin, London, Vienna, and St. Petersburg. August 2, 1914. [January Supplement, p. 60.]
- No. 20. Note presented by Herr von Below Saleske, German Minister at Brussels, to M. Davignon, Belgian Minister for Foreign Affairs. August 2, 1914. [January Supplement, p. 61.]

- No. 22. Note communicated by M. Davignon, Belgian Minister for Foreign Affairs, to Herr von Below Saleske, German Minister. August 3, 1914. (7 a. m.) [January Supplement, p. 63.]
- No. 27. Herr von Below Saleske, German Minister, to M. Davignon, Belgian Minister for Foreign Affairs. August 4, 1914. (6 a. m.) [January Supplement, p. 66.]
- No. 28. Note communicated by Sir Francis H. Villiers, British Minister at Brussels, to M. Davignon, Belgian Minister for Foreign Affairs. August 4, 1914. [January Supplement, p. 28.]
- No. 30. M. Davignon, Belgian Minister for Foreign Affairs; to Belgian Ministers at London and Paris. August 4, 1914. [January Supplement, p. 68.]
- No. 31. M. Davignon, Belgian Minister for Foreign Affairs, to Herr von Below Saleske, German Minister. August 4, 1914. [January Supplement, p. 68.]
- No. 35. Baron Beyens, Belgian Minister at Berlin, to M. Davignon, Belgian Minister for Foreign Affairs. August 4, 1914. [January Supplement, p. 69.]
- No. 39. Count de Lalaing, Belgian Minister at London, to M. Davignon, Belgian Minister for Foreign Affairs. August 4, 1914. [January Supplement, p. 74.]
- No. 40. M. Davignon, Belgian Minister for Foreign Affairs, to British, French, and Russian Ministers at Brussels. August 4, 1914. [January Supplement, p. 74.]
- No. 41. Count de Lalaing, Belgian Minister at London, to M. Davignon, Belgian Minister for Foreign Affairs. August 5, 1914. [January Supplement, p. 75.]
- No. 44. M. Davignon, Belgian Minister for Foreign Affairs, to the Belgian Heads of Missions in all Countries having Diplomatic Relations with Belgium. August 5, 1914. [January Supplement, p. 76.]
- No. 48. Communication of August 5, from Sir Francis Villiers, British Minister at Brussels, to M. Davignon, Belgian Minister for Foreign Affairs. [January Supplement, p. 79.]
- No. 52. M. Davignon, Belgian Minister for Foreign Affairs, to the Belgian Ministers at Paris, London, and St. Petersburg. August 5, 1914. [January Supplement, p. 80.]
- No. 60. Baron Fallon, Belgian Minister at The Hague, to M. Davignon, Belgian Minister for Foreign Affairs. August 9, 1914. [January Supplement, p. 88.]
- No. 71. M. Davignon, Belgian Minister for Foreign Affairs, to Baron Fallon, Belgian Minister at The Hague. August 12, 1914. [January Supplement, p. 94.]

## APPENDIX V

*Telegrams exchanged between the Emperor William II and the Emperor Nicholas II*

(Extracts from the German White Book)

- I. The Emperor William to the Emperor Nicholas. July 28, 1914. 10.45 p. m. [October Supplement, p. 406.]
- II. The Emperor Nicholas to the Emperor William. July 29, 1914. 1 p. m. [October Supplement, p. 406.]
- III. The Emperor William to the Emperor Nicholas. July 29, 1914. 6.30 p. m. [October Supplement, p. 407.]

- IV. The Emperor William to the Emperor Nicholas. July 30, 1914. 1 a. m.  
[October Supplement, p. 407.]
- V. The Emperor Nicholas to the Emperor William. July 30, 1914. 1.20 p. m.  
[October Supplement, p. 408.]
- VI. The Emperor Nicholas to the Emperor William. July 31, 1914. [October Supplement, p. 379.]
- VII. The Emperor William to the Emperor Nicholas. July 31, 1914. 2 p. m.  
[October Supplement, p. 379.]
- VIII. The Emperor Nicholas to the Emperor William.\* August 1, 1914. 2. p. m.  
I have received your telegram. I comprehend that you are forced to mobilize, but I should like to have from you the same guaranty which I have given you, viz., that these measures do not mean war, and that we shall continue to negotiate for the welfare of our two countries and the universal peace which is so dear to our hearts. With the aid of God it must be possible to our long tried friendship to prevent the shedding of blood. I expect with full confidence your urgent reply.
- IX. The Emperor William to the Emperor Nicholas.\* August 1, 1914.  
I thank you for your telegram. I have shown yesterday to your government the way through which alone war may yet be averted. Although I asked for a reply by to-day noon, no telegram from my ambassador has reached me with the reply of your government. I therefore have been forced to mobilize my army. An immediate, clear and unmistakable reply of your government is the sole way to avoid endless misery. Until I receive this reply I am unable, to my great grief, to enter upon the subject of your telegram. I must ask most earnestly that you, without delay, order your troops to commit, under no circumstances, the slightest violation of our frontiers.

## APPENDIX VI

*Extracts from the "Orange Book" relating to Germany's Declaration of War on Russia.*

- No. 76. Note presented by the German Ambassador at St. Petersburg. July 19 (August 1), 7.10 p. m. [January Supplement, p. 45.]
- No. 77. Announcement by the Russian Ministry for Foreign Affairs respecting recent events. July 20 (August 2), 1914. [January Supplement, p. 46.]
- No. 78. Russian Minister for Foreign Affairs to Russian representatives abroad. July 20 (August 2), 1914. [January Supplement, p. 49.]

\* These telegrams do not appear in the English translation of the German White Book first published in America. They appear in a later translation published in pamphlet form by the German Government.—Ed.



## OFFICIAL DOCUMENTS

### AUSTRO-HUNGARIAN RED BOOK

OFFICIAL ENGLISH EDITION, WITH AN INTRODUCTION

#### INTRODUCTION

Ever since the Karageorgevitch Dynasty ascended Serbia's blood-stained throne, surrounded by the conspirators against King Alexander, the policy of the kingdom has been directed by various means and with varying intensity toward a hostile propaganda and a revolutionary agitation in those territories of Austria-Hungary which are inhabited by South-Slavs. This underground policy has been aimed at the forcible separation of these territories from the Dual Monarchy, when the general political situation should favor the attainment of the aspirations for the establishment of a Greater Serbia.

The bitter disappointment caused in Serbia by the annexation of Bosnia and Herzegovina, which drove the Servian nation to the brink of war, shows plainly what ambitious hopes were entertained by Serbia and how near she thought herself to be to the goal.

In the spring of 1909, Russia, though assuming the part of the protecting Power, considered her armaments not sufficiently advanced to support Serbia. Under the circumstances the Servian Government decided to declare solemnly before Europe that it recognized the international situation created by the annexation as an act which had not affected Serbia's rights. The Servian Government furthermore undertook to dissolve the irregular bands which had armed against the Dual Monarchy and to maintain good neighborly relations with the latter for the future.

The Austro-Hungarian Government looked forward to the restoration of the peace and good understanding with Serbia, which had prevailed under the Obrenovitch Dynasty. It hoped to be enabled to promote Serbia's interests in the friendly spirit which had been evidenced by Austria-Hungary at the Berlin Congress, when she success-

fully advocated the recognition of the independence of the kingdom. These Austro-Hungarian hopes were not to be fulfilled, however. Far from respecting the pledge of good neighborly relations, the Servian Government permitted the Servian press to rouse unrestrained hatred against the Monarchy; it tolerated societies in Serbia which, under the leadership of high officers, functionaries, teachers and judges, publicly carried on an agitation aiming to precipitate a revolutionary outbreak in Austro-Hungarian territories; it permitted prominent officers of the Servian military and civil services to demoralize the public conscience to the point where assassination was regarded as a legitimate weapon against the adjoining monarchy. This subversive agitation led to a series of outrages against prominent Austrian and Hungarian officials and culminated in the dastardly assassination of the heir apparent, the Archduke Francis Ferdinand. Instead of precipitating the disintegration of Austria-Hungary which our enemies had foolishly anticipated, however, the Prince's martyrdom rallied all the peoples of Austria-Hungary in fervent loyalty to the defence of the Hapsburg Dynasty. The whole world now sees that the Monarchy rests upon solid foundations, and that her sons are firmly united in the conviction that their dignity, self-respect and vital interests made it imperative to check Serbia's criminal agitation.

Convinced by experience of the duplicity of the Servian Government, Austria-Hungary found only one method which promised a satisfactory settlement. That method was to demand from Serbia absolute guarantees that those implicated in the infamous murder would be punished and that the subversive agitation for a Greater Serbia would be suppressed.

Austria-Hungary's forbearance having been construed as an evidence of weakness, the Belgrade Government had to be made to realize that the Dual Monarchy was prepared to go to any lengths to uphold her prestige and integrity; Serbia had to be taught that Austria-Hungary could not tolerate her policy of prevarication and ostensible compliance with the Austro-Hungarian demands, meant only to deceive the great Powers while the Servians carried on their incendiary agitation. The necessity for decisive action was emphasized by the recollection of a similar act of duplicity and evasion successfully accomplished by Serbia after the solemn declaration of 1909. Every time that the Monarchy called Serbia to account for her reprehensible campaign of disruption, the Belgrade Government turned to the Powers for protection and im-

punity. Under the circumstances there was but one way of safeguarding the territorial integrity of Austria-Hungary and putting an end to the ever-recurring economic disturbance of the Dual Monarchy, without endangering the peace of Europe. From the very beginning the Imperial and Royal Government, wishing to reassure the Powers, declared that it did not intend to go beyond the protection of its legitimate interests, and that no territorial aggrandizement was contemplated. It was compelled, however, to insist upon a direct settlement between Austria-Hungary and Serbia within the designated restrictions. Russia's proposal to extend the time-limit for the Servian answer would have furnished the Belgrade Government with the opportunity for underhanded procrastination, and would have opened the door to the intervention of other Powers on Serbia's behalf. An extension of the time-limit had, therefore, to be declined. Though Serbia's hostility was plainly proved by the fact, that before giving her ambiguous reply, she had ordered a general mobilization, still the Dual Monarchy did not declare war until another three days had elapsed.

The British Government's suggestion that the Servian controversy be submitted to a conference of the Powers reached Vienna too late, as hostilities had already begun. This proposal, however, could by no means have safeguarded the Dual Monarchy's interests. Nothing less than the unconditional acceptance of Austria-Hungary's demands by the Belgrade Government could have guaranteed even tolerable neighborly relations with Serbia. On the other hand, the Entente Powers were guided by the wish to put aside Austria-Hungary's demands by means of a compromise. This method would have nullified the assurances required for the future correct behavior of Serbia, which would thus have been encouraged to persist in her activities for the detachment of the southern territories from Austria-Hungary.

The demand that Serbia punish the accomplices in the Serajevo murder who were on Servian soil, and live up to the obligations of a peaceful neighbor, was aimed solely at the protection of our dynasty and of the integrity of the Dual Monarchy from subversive agitations. The Austro-Hungarian Government acted as the spokesman of the civilized world when it asserted that it could not permit murder to be employed with impunity in political strife, and that the peace of Europe ought not to be continually menaced by Serbia's ambitious projects.

The Entente Powers, dominated by selfish motives, ignored the

laws of public morality and sided with the guilty party; in so doing, they assumed a heavy responsibility. The Dual Monarchy had given ample proofs of its conservative policy and thoroughly peaceful disposition during the crisis of the Balkan Wars, when the balance of power in the Peninsula underwent far-reaching changes; she, therefore deserved unrestricted confidence in the new situation. Had the Entente Powers accepted Austria-Hungary's assurances and adopted a policy of waiting, the general conflagration would have been averted. When the history of this war shall be written, it will place upon their shoulders the blame for the frightful disaster which their policy has brought upon the world.

The small Servian state would never have dared to carry on its disruptive agitation in the territories of a great Power, had it not been assured of Russia's secret protection. Servia had tangible pledges that in the event of a clash with Austria-Hungary, the powerful Pan-Slavic party in Russia would bring the Czar's Government to the active support of the movement for the establishment of a Greater Servia at the expense of the Dual Monarchy. Such a support was only a minor phase of the expansive policy of the Russian Empire which, like an ever-extending glacier, has ground down tremendous territories and many peoples, whose religious freedom and languages it has suppressed. The essential and traditional feature of the ambitious scheme of world-domination, of which the Servian agitation is only an incident, is the possession of the Dardanelles. Such an acquisition would make Russia predominant in the Near East, with exclusive political and commercial privileges.

Since the attainment of this purpose constituted a menace to the vital interests of both Austria-Hungary and Germany, it was bound to rouse their opposition; Russia's efforts were consequently directed toward weakening their capacity for resistance. This was to be attained by disrupting the powerful combination of the two countries which stood in Russia's way, and by isolating Germany. The first move was the creation of the Balkan League, designed to weaken Austria-Hungary, whose foundations as a great Power were to be undermined by the Pan-Slav and Servian agitation in her border districts. As a preliminary step Turkey had to be crushed and driven out of Europe. By this act the power of the augmented Christian Balkan States was to be made available for Russia's struggle against the two central European Powers.

When the Balkan League was rent asunder by the dispute over the

distribution of the territories wrested from Turkey, the "protecting Power" of the Slavs assented to the defeat and humiliation of Bulgaria, who was deprived of the greater part of her recent conquests. New inducements were now offered for the reconstitution of the Balkan League by the promise of territorial expansion at the expense of Austria-Hungary. After the defeat of Turkey, the Balkan Federation could be directed solely against Austria-Hungary and Germany. Russia and France conceived this plan, which was to shift Europe's balance of power. In this criminal game of Russian diplomacy, which threatened the peace of Europe and the existence of the Dual Monarchy, Servia was a trump card in Russia's hand, and Russia was determined not to lose this trump, even at the cost of a universal conflagration.

The following series of documents show that, up to the very last, the Imperial and Royal Government repeatedly assured the St. Petersburg Cabinet that it did not intend to violate any Russian interest, or to seize Servian territory, or to infringe upon Servia's sovereign rights, and that it was willing to enter into negotiations with the Russian Government for the adjustment of Austro-Hungarian and Russian interests. These solemn assurances, however, did not satisfy the Russian Government which, as early as the 24th of July, adopted a threatening tone in a public statement on the issues involved.

Though Austria-Hungary had not mobilized a single soldier against Russia, the latter ordered on July 29th a mobilization of the military districts of Odessa, Kieff, Moscow and Kazan, which implied a threat against the Dual Monarchy. In spite of the repeated warnings of the Imperial and Royal Ambassador in St. Petersburg and the intimation by the German Government on the 26th of July that preparatory military measures in Russia would compel Germany to take corresponding steps, and that mobilization would mean war, the Russian general mobilization order was issued on the 31st of July.

On the 24th of July the Austro-Hungarian Ambassador met the Russian Minister of Foreign Affairs and emphatically pointed out the thoroughly peaceful disposition of the Dual Monarchy. He explained that Austria-Hungary only wished to put an end to the dangerous Servian policy of murderous outrages and of revolutionary agitation.

The vital interests of Austria-Hungary were at stake, and she had to protect herself; she could not abandon her defensive policy even if Russia should choose to provoke a collision by taking Servia under her protection. The Imperial and Royal Government had no choice but to en-

deavor to put an end to an intolerable situation wherein Serbia, in effect, would have continued its provocations under a Russian pledge of immunity.

On the 30th of July the British Foreign Secretary once more suggested that Austria-Hungary accept the good offices of mediating Powers in her controversy with Serbia. The Imperial and Royal Government, animated by a sincere desire to do its utmost to preserve the world's peace, agreed to accept this mediation. Austria-Hungary's honor and interests, however, demanded that this should not be done under the pressure of Russia's threatening measures. She, therefore, had to insist that Russia's order of mobilization should be revoked prior to Austria-Hungary's acceptance of mediation. The St. Petersburg Cabinet responded by issuing the general call to the colors.

In coöperation with Great Britain's selfish policy and France's craving for *revanche*, the Russian Government had left nothing undone to place Europe under the domination of the Entente Powers and thus to open the way for her own bold schemes.

Russia has resorted to most unscrupulous methods in her efforts to twist a rope around the Monarchy's neck. When Austria-Hungary, acting in self-defence, set about to sever this rope, Russia tried to tie her hands and to humiliate her.

Threatened in their most vital interests, Austria-Hungary and Germany had to choose between protecting their security and surrendering to the Russian menace. They chose the way which honor and duty prescribed.

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No. 1.

*Von Storck to Count Berchtold.*

BELGRADE, June 29, 1914.

Still under the profound impression of the ghastly outrage of yesterday, I find it difficult to comment upon the bloody deed of Serajevo in the calm, self-possessed manner befitting the seriousness of the occasion. I therefore beg to be allowed to confine myself to-day to a mere record of some facts.

Yesterday, the 15th/28th, the anniversary of the battle of Kossovo-polje was celebrated with more than usual pomp, and the memory of the Servian patriot, Milosh Obilitch, who in 1389 treacherously assas-

minated the victorious Murad, was solemnized. Wherever Servians live, Obilitch is counted a national hero. Yet, as a result of the propaganda fostered under the auspices of the Servian government and of a press campaign carried on for many years past, we have been substituted for the Turks as Servia's hereditary foes.

In the minds of the three juvenile assassins of Serajevo (Princip, Gabrinovitch and the third unknown bomb-thrower) must have loomed up the glamor of a re-enactment of the tragedy of Kossovopolje. They have even shot and killed an innocent woman, and therefore may have considered that they have surpassed their model.

For years hatred against the Dual Monarchy has been sown in Servia. The seed has taken and the harvest is murder.

The news became known at about 5 P. M., and at 10 o'clock that night the Servian Government officially ordered the celebration of the Obilitch anniversary to be stopped. Unofficially, however, and under the cover of darkness, the festivities were kept up for some time.

According to eye-witnesses people embraced each other in delight and jubilant remarks were heard, such as: "Serves them right!" "We expected it for a long time!" "That's the revenge for the annexation!"

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No. 2.

*Von Storck to Count Berchtold.*

[Telegram.]

BELGRADE, June 30, 1914.

I presented to-day to M. Gruitch, the Secretary General of the Foreign Office, the pertinent inquiry as to what steps the royal police had taken, or intended to take, in an effort to trace the threads of the outrage, which notoriously led into Servia.

His reply was that, so far, the Servian police had not even taken the matter up.

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No. 3.

*Consul General Jehlitschka to Count Berchtold.*

ÜSKÜB, July 1, 1914.

On June the 15th/28th, the Vidov Dan (Corpus Christi Day) which this year co-incided with the 525th anniversary of the battle of Kossovo-

polje fought in 1389, was for the first time officially celebrated at Pristina as the feast of the "Liberation of the Servian nation."

For four months a special committee had been working to make that festival as solemn as possible and to turn it into a great national Serb demonstration.

In preparation for the forthcoming festivities a propaganda had been extended into Croatia, Dalmatia, Bosnia and especially into Hungary. Those desirous of taking part in the festivities were granted free passage on the Servian state railways, and the authorities promised them cheap lodging, food and other assistance. The agitation had been energetic and well planned. The guests were taken to Pristina on special trains.

The various speeches reveled in historical reminiscences connected with the scene of the celebration, and invariably led up to and dwelt upon the customary topic of the unification of all Serbs and the "liberation of the oppressed brethren" across the Danube and the Save, including those who live in Bosnia and Dalmatia.

During the evening hours, news of the terrible deed of Serajevo began to spread and the fanatic populace gave itself up to a spontaneous outburst of passion, which, to judge by the numerous utterances of approval reported to me from absolutely reliable sources, must be described as positively inhuman.

In view of this attitude, which was also taken up by the population of Üsküb, and in consideration of the fact that the news of the crime has been received with unconcealed satisfaction by a representative gathering, all attempts of the Servian press to shift from Servia the moral responsibility for the deed crumbled to pitiable nothing.

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No. 4.

*Count Szécsen to Count Berchtold.*

[Telegram.]

PARIS, July 4, 1914.

I conveyed to-day to M. Poincaré, the Imperial and Royal Government's thanks for his sympathy.

Referring to the anti-Servian demonstrations in our country, he remarked that after the assassination of President Carnot all Italians were exposed to the most violent attacks at the hands of the population throughout France.



I drew his attention to the fact that the assassination to which he referred had no connection whatever with any anti-French agitation in Italy, whereas it can no longer be denied that for many years past a campaign has been waged in Servia against the Dual Monarchy, availing itself of all means, legitimate and illegitimate.

In concluding the interview M. Poincaré expressed his firm conviction that the Servian Government would lend us every assistance in the judicial investigation and prosecution of persons suspected as accomplices. He added: "No State could evade such a duty."

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No. 5.

*Acting Consul Hoflehner to Count Berchtold.*

NISH, July 6, 1914.

At Nish the news of the terrible outrage of Serajevo has caused a sensation in the full sense of the word. No signs of consternation or indignation could be seen, however. A feeling of satisfaction and even of joy was predominant, and was often manifested in an unconcealed manner. So little restraint was put on the public feeling, that many instances of coarse expression could be recorded. This chiefly applies to the so-called leading circles and educated classes, such as politicians, teachers, government officials, officers and students. The business community remained more reserved.

All declarations made from Servian official quarters and by prominent individuals expressing indignation at the outrage and condemning the deed, appear merely as irony to those who have had the opportunity to observe at close quarters the sentiments of the educated classes during the past few days.

Toward nine o'clock on the day of the outrage I proceeded to a local café, still ignorant of what had happened. A gentleman of my acquaintance informed me of the persistent rumors of the crime. It was revolting to witness the elation displayed by the numerous guests, who discussed the event with evident satisfaction. Exclamations of joy and mockery were heard, which could not have failed to painfully affect even those who had been hardened by the customary political fanaticism of the Servians.

## No. 6.

*Baron von Giesl to Count Berchtold.*

BELGRADE, July 21, 1914.

Some time has passed since my return to my post after the unfortunate crime of June 28th, and I may now venture to give my estimate of the prevailing public feeling in Servia.

Since the annexation crisis, the relations between the Dual Monarchy and Servia have been strained by the jingoism and animosity of the latter and by an effective propaganda for the "Great Servian" cause, carried on in those parts of our country which are inhabited by Serbs. Servia's successes in the Balkan Wars have intensified that jingoism, until it now manifests itself at times in outbreaks of frantic passion bordering upon madness.

I consider it superfluous to adduce proofs or instances. They may be obtained at any time and everywhere, in political circles as well as among the populace, without distinction of party. I affirm it as an established axiom that Servia's policy has but one aim, namely, the detachment from the Dual Monarchy of all territories inhabited by South-Slavs and the eventual destruction of that monarchy as a great Power. Nobody who has spent a week in the discharge of his duties in this political atmosphere can question the truth of my assertion.

The latest political events have vastly increased the existing hatred against the Dual Monarchy. I here refer to the crime of Serajevo, Hartwig's death and the electoral campaign.

The outrage of Serajevo has evoked before the Servian people visions of the impending disintegration of the Hapsburg Empire. They have been led to believe that the dismemberment of the Austro-Hungarian territories in question was to be expected shortly, that a revolution had broken out in Bosnia and Herzegovina, and that the loyalty of the Slav regiments could not be relied upon. Thus the event introduced a certain system into the scheme of mad nationalism, and invested it with a semblance of justification.

In the eyes of the Servians the hated Austro-Hungarian Monarchy has become powerless, and is henceforth hardly worth a military effort. Hatred is now accompanied by contempt. Without any further trouble exhausted Austria-Hungary would fall helplessly into the lap of the Greater Servian Empire which before long would come into being.

Papers, which certainly may not be classed among the most radical

publications, emphasize in daily articles the impotence and disintegration of the neighboring monarchy, and without fear of punishment insult our authorities, including the august person of our sovereign. The press organ of the government points to the internal conditions in Austria-Hungary as the sole cause of the damnable crime. The dread of a future settling of accounts has vanished. For decades the Servian people have been entirely under the influence of the press, and the press of the ruling party determines the national policy. The outrage of Serajevo is the horribly abortive product of this influence of the press.

I shall pass over the absurd accusations raised on the occasion of Hartwig's death, utterances verging on madness, which the London *Times* qualified as "raging mad." Nor shall I dwell upon the mendacious press campaign which endeavors to confirm the Servian people in their conviction that the Government of Austria-Hungary as well as its representatives are outlawed. Terms like "murderers," "rascals," or "infamous Austrians" were some of the ornamental by-words applied to us.

Hartwig's death, which meant a profound bereavement to the Servian political world, has been followed by a fanatic cult of the departed. This sentiment, however, was due not only to gratitude for his assistance in the past, but to a sense of apprehension as to the future. Every effort was made to please Russia by a display of slave-like servility, in order to secure that country's good-will for the future.

The third important factor is the electoral campaign. A common platform of hostility to the Dual Monarchy has united all parties. No party aspiring to the powers of government, therefore, would risk exposing itself to the suspicion of weakly yielding to Austria-Hungary. Thus the electoral campaign is waged under the watch-word of battle against Austria-Hungary.

It is generally believed that, for reasons internal as well as external, the Dual Monarchy is utterly powerless and incapable of any energetic action. Solemn warnings emanating from our competent sources are regarded as mere bluff.

The leave of absence granted to the Austro-Hungarian War Minister and to the Chief of the General Staff have confirmed the conviction that the weakness of Austria-Hungary is now evident.

In imposing upon your patience with this lengthy report, I am fully aware that I am presenting nothing new; but I consider this exposition essential to the inevitable conclusion that a settlement with Servia,

involving a war not only for the preservation of Austria-Hungary's position as a great power, but even for her very existence, cannot be permanently avoided.

If we neglect to clear up our relations with Serbia, we shall lay ourselves open to blame for increased difficulties and disadvantages in a future conflict which, sooner or later, is bound to come.

In the view of an official representative of the Austro-Hungarian Government, who is observing events on the spot, the realization is inevitable that we cannot afford to permit any further diminution of our prestige.

Should we decide to make far-reaching demands, with effective control of their execution (and such measures alone could clean the Augean Stable of Greater Servian intrigues), we would have to consider all possible consequences. From the very outset we must be firmly resolved to persevere in our attitude.

Half measures, demands, endless debating and finally a foul compromise, would be the hardest blow to Austria-Hungary's authority in Serbia and her standing as a great Power in Europe.

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No. 7.

*Count Berchtold to Baron von Giesl, Belgrade.*

VIENNA, July 22, 1914.

You are directed to hand the following note to the Royal Government, in the course of the afternoon of Thursday, July 23rd:

On the 31st of March, 1909, the Servian Minister in Vienna, on instructions from the Servian Government, made the following declaration to the Imperial and Royal Government:

Servia recognizes that the *fait accompli* regarding Bosnia has not affected her rights, and consequently she will conform to such decisions as the Powers may take with regard to Article XXV of the Treaty of Berlin. In deference to the advice of the Great Powers, Servia undertakes to renounce henceforth the attitude of protest and opposition which she has adopted with regard to the annexation since last autumn. She undertakes, moreover, to modify the direction of her present policy toward Austria-Hungary and to live in future on good neighborly terms with the latter.

The history of recent years, and in particular the painful events of the 28th of June last, have disclosed the existence of a subversive movement with the object of detaching a part of the territories of Austria-

Hungary from the Monarchy. The movement, which had its birth under the eye of the Servian Government, has gone so far as to make itself manifest beyond the Servian frontier in the shape of acts of terrorism and a series of outrages and murders.

Far from carrying out the formal undertakings contained in the declaration of the 31st of March, 1909, the Royal Servian Government has done nothing to repress this movement. It has tolerated the criminal activity of various societies and associations directed against the Monarchy, the licentious language of the press, the glorification of the authors of outrages, and the participation of officers and functionaries in subversive agitation. It has permitted an unwholesome propaganda in public instruction. In short, it has permitted all manifestations of a nature to incite the Servian population to hatred of the Monarchy and contempt for its institutions.

This culpable tolerance of the Royal Servian Government had not ceased at the moment when the events of the 28th of June last demonstrated its ominous consequences to the world.

It is evident from the depositions and confessions of the criminal perpetrators of the outrage of the 28th of June, that the Serajevo assassination has been planned in Belgrade, that the arms and explosives with which the murderers were provided, had been given to them by Servian officers and functionaries belonging to the Narodna Odbrana, and finally that the passage into Bosnia of the criminals and their arms was organized and carried out by the chiefs of the Servian frontier service.

The above mentioned results of the preliminary investigation do not permit the Austro-Hungarian Government to pursue any longer the attitude of expectant forbearance which it has maintained for years in the face of machinations hatched in Belgrade, and thence propagated in the territories of the Monarchy. The results, on the contrary, impose upon it the duty of putting an end to the intrigues which form a perpetual menace to the tranquility of the Monarchy.

To achieve this end, the Imperial and Royal Government finds itself compelled to demand from the Royal Servian Government a formal assurance that it condemns this dangerous propaganda against the Monarchy—in other words, the whole series of tendencies, the ultimate aim of which is to detach from the Monarchy territories belonging to it—and that it undertakes to suppress by every means at its disposal this criminal and terrorist propaganda.

In order to give a solemn character to this undertaking the Royal Servian Government shall publish on the front page of its *Journal Official*, of the 26th of June (13th July) the following declaration:

The Royal Government of Servia condemns the propaganda directed against Austria-Hungary, of which the final aim is to detach from the Austro-Hungarian Monarchy territories belonging to it, and it sincerely deplores the fatal consequences of these criminal proceedings.

The Royal Government regrets that Servian officers and functionaries have participated in the above-mentioned propaganda and thus compromised the good neighborly relations to which the Royal Government was solemnly pledged by its declaration of the 31st of March, 1909.

The Royal Government, which disapproves and repudiates all idea of interfering or attempting to interfere with the destinies of the inhabitants of any part whatsoever of Austria-Hungary, considers it its duty formally to warn officers and functionaries, and the whole population of the Kingdom, that henceforward it will proceed with the utmost rigor against persons who may be guilty of such machinations, which it will use all its efforts to prevent and suppress.

This declaration shall simultaneously be communicated to the royal army as an order of the day by His Majesty the King, and published in the *Official Bulletin* of the army.

The Royal Servian Government further undertakes:

1. To suppress any publication which incites to hatred and contempt of the Austro-Hungarian Monarchy and the general tendency of which is directed against its territorial integrity;

2. To dissolve immediately the society called Narodna Odbrana, to confiscate all its means of propaganda, and to proceed in the same manner against all other societies and their branches in Servia which engage in propaganda against the Austro-Hungarian Monarchy. The Royal Government shall take the necessary measures to prevent the societies dissolved from continuing their activity under another name and form;

3. To eliminate without delay from public instruction in Servia, both as regards the teaching body and the methods of instruction, everything that serves, or might serve, to foment the propaganda against Austria-Hungary;

4. To remove from the military service, and from the administration in general, all officers and functionaries guilty of propaganda against the Austro-Hungarian Monarchy whose names and deeds the Austro-Hungarian Government reserves the right of communicating to the Royal Government;

5. To accept the coöperation in Servia of representatives of the Austro-Hungarian Government in the suppression of the subversive movement directed against the territorial integrity of the Monarchy;

6. To take judicial proceedings against accomplices in the plot of the 28th of June who are on Servian territory. Delegates of the Austro-Hungarian Government will take part in the investigation relating thereto;

7. To proceed without delay to the arrest of Major Voijs Tankositch and of the individual named Milan Ciganovitch, a Servian State employee, who have been compromised by the results of the preliminary investigation at Serajevo;

8. To prevent by effective measures the participation of the Servian authorities in the illicit traffic in arms and explosives across the frontier; to dismiss and punish severely the officials of the frontier service at Schabatz and Loznica who have been guilty of having assisted the perpetrators of the Serajevo crime by facilitating their passage across the frontier;

9. To furnish the Imperial and Royal Government with explanations regarding the unjustifiable utterances of high Servian officials, both in Servia and abroad, who, notwithstanding their official positions did not hesitate after the crime of the 28th of June to give utterance, in published interviews, to expressions of hostility to the Austro-Hungarian Government; and finally,

10. To notify the Imperial and Royal Government without delay of the execution of the measures comprised under the preceding heads.

The Austro-Hungarian Government awaits the reply of the Royal Government at the latest by 6 o'clock on Saturday evening, the 25th of July.

A memorandum dealing with the results of the preliminary investigation at Serajevo with regard to the officials mentioned under heads 7 and 8 is attached to this note.

ENCLOSURE.

The investigation by the court at Serajevo against Gabrilo Princip and accomplices in the assassination committed on June 28th of this year has up to now established the following facts:

1. The plot to murder Archduke Francis Ferdinand during his stay in Serajevo was planned by Gabrilo Princip, Nedeljko Gabrinovitch, a certain Milan Ciganovitch, and Trifko Grabez, with the assistance of Major Vojs Tankositch.

2. The six bombs and four Browning pistols, with their ammunition, which were

used by the criminals were obtained for them and handed to Princip, Gabrinovitch, and Grabez in Belgrade by a certain Milan Ciganovitch, and Major Voja Tankositch.

3. The bombs are hand grenades which come from the arsenal of the Servian army at Kragujevac.

4. In order to make sure of the success of the attempt, Milan Ciganovitch instructed Princip, Gabrinovitch and Grabez in the art of hurling bombs and taught Princip and Grabez how to shoot with Browning pistols in a forest adjoining the shooting range of Topsisider, in Belgrade.

5. In order to make possible the crossing of the Bosnia-Herzegovina frontier by the conspirators and the smuggling in of their weapons, a secret transportation system was organized by Ciganovitch. The entrance of the criminals with their weapons into Bosnia and Herzegovina was carried out with the assistance of the frontier captains at Schabatz (Rade Popovitch) and at Loznica, and the coöperation of the customs officer, Rudivoj Grbitch of Loznica, and several other persons.

In presenting the above note you will add verbally that you are instructed to leave Belgrade with the staff of the legation at the expiration of the time-limit mentioned in the note (forty-eight hours after the hour and day of its presentation) in the event that within that period you have not received an unconditional and favorable response from the Royal Servian Government.

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No. 8.

*Count Berchtold to the Imperial and Royal Ambassadors at Berlin, Rome, Paris, London, St. Petersburg, and Constantinople.*

VIENNA, July 22, 1914.

The Imperial and Royal Government has found itself obliged to address on Thursday, the 23rd instant, through the Imperial and Royal Minister at Belgrade, the following note to the Royal Government of Servia. (See instructions to the Imperial and Royal Ministry at Belgrade of July 22, 1914.)

I have the honor to request you to bring the contents of this note to the attention of the government to which you are accredited, accompanying this communication with the following comment:

On the 31st of March, 1909, the Royal Servian Government addressed to Austria-Hungary the declaration of which the text is reproduced above.

On the very day after this declaration Servia embarked on a policy of instilling revolutionary ideas into the minds of Serb subjects of the Austro-Hungarian Monarchy, and so initiating activities for detachment of the Austro-Hungarian territory adjoining the Servian frontier.



Servia became the focus of a criminal agitation.

No time was lost in the formation of societies and groups whose object, either avowed or secret, was the creation of disorders on Austro-Hungarian territory. These societies and groups count among their membership generals and diplomats, government officials and judges—in short, men at the top of official and unofficial society in the Kingdom.

Servian journalism is almost entirely at the service of this propaganda, which is directed against Austria-Hungary, and not a day passes without the organs of the Servian press inciting their readers to hatred and contempt for the neighboring Monarchy, or to outrages directed more or less openly against its security and integrity.

A large number of agents are employed in carrying on by every means the agitation against Austria-Hungary and corrupting the youth in the frontier provinces.

Since the recent Balkan crisis there has been a recrudescence of the spirit of conspiracy inherent in Servian politicians, which has left such sanguinary imprints on the history of the kingdom. Individuals belonging formerly to bands employed in Macedonia have come to place themselves at the disposal of the terrorist propaganda against Austria-Hungary.

In the face of these activities, to which Austria-Hungary has been exposed for years, the Servian Government has not thought it incumbent on it to take the slightest step. The Servian Government has thus failed in the duty imposed on it by the solemn declaration of the 31st of March, 1909, and has acted in opposition to the will of Europe and the undertaking given to Austria-Hungary.

The patience of the Imperial and Royal Government in the face of the provocative attitude of Servia was inspired by the territorial disinterestedness of the Austro-Hungarian Monarchy and the hope that the Servian Government would end in spite of everything by appreciating Austria-Hungary's friendship at its true value. By observing an attitude of good will toward the political interests of Servia, the Imperial and Royal Government hoped that the Kingdom would finally decide to follow an analogous line of conduct on its own side. In particular Austria-Hungary expected a development of this kind in the political ideas of Servia when, after the events of 1912, the Imperial and Royal Government by its disinterested and ungrudging attitude, made so considerable an aggrandizement of Servia possible.

The good will which Austria-Hungary showed toward the neighboring state had no restraining effect on the conduct of the Kingdom, which continued to tolerate on its territory a propaganda of which the deplorable consequences were demonstrated to the world on the 28th of June last, when the heir apparent to the Monarchy and his illustrious consort fell victims to a plot hatched in Belgrade.

In the face of this state of things the Imperial and Royal Government has felt compelled to take new and urgent steps at Belgradé with a view to inducing the Servian Government to stop the incendiary movement which is menacing the security and integrity of the Austro-Hungarian Monarchy.

The Imperial and Royal Government is convinced that, in taking this step, it will find itself in full accord with the sentiments of all civilized nations, who cannot permit regicide to become a weapon to be employed with impunity in political strife and the peace of Europe to be continually disturbed by movements emanating from Belgrade.

In support of the above the Imperial and Royal Government holds at the disposal of the government to which you are accredited a dossier recording the Servian machinations and showing the connection between these machinations and the murder of the 28th of June. An identical communication has been addressed to the Imperial and Royal Representatives accredited to the other signatory Powers.

You are authorized to place a copy of this dispatch in the hands of the Minister of Foreign Affairs.

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No. 9.

*Count Berchtold to Count Mensdorff, London.*

[Telegram.]

VIENNA, *July 23, 1914.*

As England is the most likely of the Entente Powers to be brought to an unprejudiced judgment of our present move in Belgrade, I request your Excellency to point out among other things in the conversation which you will have at the Foreign Office on the 24th instant, following the presentation of the circular note, that it was within the power of Servia to avert the serious steps she had reason to expect from our side, if she had spontaneously begun within her own territory proceedings

against the Servian accomplices in the murderous attack of the 28th of June, and to disclose the threads of the plot, leading, as it has been proved, from Belgrade to Serajevo.

Until to-day the Servian Government, in spite of much notorious circumstantial evidence pointing to Belgrade, not only has failed to do anything of that sort, but even has endeavored to efface the existing traces.

According to a telegraphic report from our legation in Belgrade, the Servian state employee Ciganovitch, who is compromised by the corroborating depositions of the assassins, was still in Belgrade on the day of the murder; but when his name appeared in the newspapers three days later, he had left the town. At the same time the head of the Servian Press Bureau declared Ciganovitch to be absolutely unknown in Belgrade.

As to the short time limit of our demands, it is based upon our long-standing experience with Servian proficiency in procrastination.

We cannot allow our demands, which, as a matter of fact do not contain anything unusual in the intercourse between states which ought to be living in peace and friendship, to become the object of negotiations and compromises; and, with due regard to our economic interests, we cannot accept a political method which would enable Servia to prolong the crises at her pleasure.

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No. 10.

*Count Mensdorff to Count Berchtold.*

[Telegram.]

LONDON, *July 24, 1914.*

Circular note just presented to Sir Edward Grey, who perused it attentively. With regard to No. 5 he asked for explanations, as the installation of Austrian officials in Servia impressed him as equivalent to the termination of Servia's independent sovereignty. I replied that coöperation of police officials, as in this instance, would not infringe upon the sovereignty of the state.

He regretted the brevity of the time-limit, which made it impossible to calm the first irritation and to induce Belgrade to give us a satisfactory reply. There would be time enough for an ultimatum should the answer prove unacceptable, he thought.

I explicitly pointed out our position. (Necessity to proceed against subversive agitation which threatened parts of the Monarchy; defence of our most vital interests, most complete failure of the conciliatory attitude we have shown up to now in our dealings with Serbia, which has had more than three weeks' time to institute a spontaneous inquiry concerning complicity in the murder, and so on.)

The Secretary of State repeated his apprehension with regard to the short time-limit, but he admitted that what has been said about the complicity in the murder of Serajevo was justified, as are some of our demands.

He would be quite willing to regard the whole affair as concerning solely Austria-Hungary and Serbia. Yet he is very "apprehensive" of the possibility that several great Powers might be involved in war. Speaking of Russia, Germany and France, he remarked that the provisions of the Franco-Russian Alliance are probably somewhat similar to those of the Triplice. I explained at length our point of view, and I repeated with emphasis that in this case we would have to remain firm in order to get some guarantees, as Servian promises hitherto never have been redeemed. I could appreciate his considering primarily the effect of our act upon the peace of Europe, but indicated that, in order to understand our point of view, he ought to put himself in our place.

He did not wish to enter into a further discussion of this subject, and said it would be necessary for him to study the note more carefully. As a preliminary step he will confer with the German and the French Ambassadors, as he feels obliged to obtain an exchange of views first of all with the allies of Austria-Hungary and Russia, who, however, have no direct interests in Serbia.

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No. 11.

*Count Szécsen to Count Berchtold.*

[Telegram].

PARIS, July 24, 1914.

Have just read your instructions of the 22nd instant to the Minister of Justice, who is in charge of the affairs of the absent Foreign Secretary,

and left a copy with him. M. Bienvenu-Martin, who was vaguely acquainted with our step in Belgrade through the reports in this morning's papers, seemed considerably impressed with my information. Without entering into a detailed discussion of the text, he readily admitted that recent events, and the attitude of the Servian Government, have made our energetic intervention appear intelligible.

Demand No. 5 of our note presented in Belgrade seemed especially to strike the Minister, as he asked me to read it again. The Minister thanked me for the communication, which, he said, would be studied closely. I took the occasion to emphasize the point that the issue was one to be dealt with exclusively by Serbia and ourselves, but that it would be to the general advantage of Europe if the unrest perpetuated for years by the Servian agitation against us were, at last, to be replaced by a clearly defined political situation. I pointed out that all friends of peace and order, among whom I am counting France in the foremost place, should earnestly advise Serbia to change her attitude fundamentally and to meet our legitimate demands.

The Minister conceded that it is the duty of Serbia to proceed energetically against any accomplices of the assassins of Serajevo, which duty she would not be likely to evade. Emphasizing the sympathy of France with Austria-Hungary, and the good relations between the two countries, he expressed the hope that the controversy would be settled peacefully and in accordance with our desires.

The Minister avoided every attempt to palliate or defend the attitude of Serbia.

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No. 12.

*Count Szécsen to Count Berchtold.*

[Telegram.]

PARIS, July 24, 1914.

Baron Schoen, following out his instructions, will declare to-day that our dispute with Serbia is regarded by the Berlin Cabinet as an affair concerning solely Austria-Hungary and Serbia.

In connection with this information, he will make it understood that, should a third Power try to intervene, Germany, true to the obligations of her Alliance, would be found on our side.

## No. 13.

*Count Szécsen to Count Berchtold.*

[Telegram.]

PARIS, July 24, 1914.

Baron Schoen has just taken the step enjoined upon him. M. Bienvenu-Martin told him that he could not yet give a definite reply, although he was prepared to say at the outset that the French Government shared our opinion that our controversy with Servia concerned only Vienna and Belgrade, and that hopes were entertained that the question would find a direct and peaceful solution.

The Servian Minister here has been advised that his government should yield on all points as much as possible, yet with the restriction: "As long as her rights of sovereignty were not touched."

Baron Schoen emphasized the necessity, from the European point of view, of eliminating, at last, the center of unceasing disturbance in Belgrade.

## No. 14.

*Count Szápáry to Count Berchtold.*

[Telegram.]

ST. PETERSBURG, July 24, 1914.

The Minister of Foreign Affairs received me with the remark that he knew the object of my visit, and declared that he would not define his position at once. I began to read my instructions to him. He first interrupted me when the series of murderous attempts was mentioned. My explanation was met with the question whether it had been proved that all those attempts originated in Belgrade. I emphasized the fact that they were the outcome of Servian instigation. In the further course of the reading he remarked that he knew what it all was about; that we intended to make war on Servia and this was to be the pretext. I replied that our attitude during the last few years was sufficient evidence that we neither sought nor needed such pretexts. The solemn declarations demanded from Servia did not evoke any objection from the

Minister; he only repeated again and again that Pasitch already had expressed himself in the sense demanded by us, and interjected: "He will say that twenty-five times if you wish." I told him that no one in Austria was trying to infringe upon the integrity of Serbia or her dynasty. M. Sazonow most vigorously declared himself against the dissolution of the Naredna Odbrana, which he assured me Serbia would never undertake. The Minister also objected to the proposed coöperation of Imperial and Royal officials in the suppression of the subversive propaganda. Serbia then, he pointed out, would no longer be mistress in her own house! "After that you will want to interfere again and again, and what will the life of Europe be like?" he asked. I replied: "It will be quieter than hitherto, if Serbia shows some good will."

The observations with which I accompanied the reading of the note were listened to by the Minister rather calmly. Our belief that our feelings in the matter were shared by all civilized nations, he declared to be erroneous. With all the emphasis of which I was capable, I pointed out how deplorable it would be if we were to fail to meet with a sympathetic response in Russia in a situation imperiling all that was most sacred to us as well as to Russia, whatever the Minister might choose to say. He endeavored to belittle the monarchical aspect of the question.

With regard to the dossier held at the disposal of the governments, M. Sazonow wondered why we had taken the trouble, since we already had issued an ultimatum. This proved conclusively, to his mind, that we did not desire an impartial investigation of the case. I replied that the results of our own inquiry were sufficient to justify our proceedings in an affair solely concerning Austria-Hungary and Serbia, but that, having nothing to conceal, we were quite willing to furnish the Powers with all the information they might desire.

M. Sazonow observed that, the ultimatum having been issued, he had no further interest in the proffered information. He presented the case in such a way as to make it appear that we were seeking a war with Serbia under any circumstances. I replied that we are the most peace loving Power in the world, and that all we want is to safeguard our territory from foreign revolutionary intrigues and to protect our dynasty from bombs.

In the course of further discussion, M. Sazonow once more made the remark that we had certainly created a serious situation. In spite of the comparative calmness of the Minister's manner, his attitude was throughout one of negation and antagonism.

## No. 15.

*Communiqué in the Russian Official Gazette.*

ST. PETERSBURG, July 24, 1914.

The St. Petersburg Telegraphic Agency reports:

The *Official Gazette* publishes the following communication:

The Imperial Government, gravely alarmed by the surprising events in Belgrade and by the ultimatum addressed to Servia by Austria-Hungary, is following attentively the development of the Austro-Hungarian-Servian conflict, to which Russia cannot remain indifferent.

## No. 16.

*Count Szápáry to Count Berchtold.*

[Telegram.]

ST. PETERSBURG, July 24, 1914.

After the Ministers had been in session for five hours, M. Sazonow received the German Ambassador in the course of the evening and had a long conference with him.

The Minister, probably as a result of the meeting of the Cabinet, advanced the opinion that the controversy between Austria-Hungary and Servia was by no means a matter that could be confined to these two states, but that it involved all Europe, inasmuch as the compromise arrived at in consequence of the Servian declaration in 1909 had been brought about under the auspices of the whole of Europe.

The Minister stated emphatically that he was affected in a particularly unpleasant way by the circumstance that Austria-Hungary had offered to submit a dossier for examination at a time when an ultimatum already had been sent to Servia. Russia would demand an international examination of the dossier which we had placed at the Minister's disposal. My German colleague at once drew M. Sazonow's attention to the fact that Austria-Hungary would not accept an intervention in her differences with Servia, nor would Germany consent to a suggestion incompatible with the dignity of her ally as a great Power.

In course of the conversation the Minister stated that Russia could not remain indifferent to Austria-Hungary's possible intention to *dévoré le Serbie* (absorb Servia). Count Pourtalés retorted that he did not assume such an intention on the part of Austria-Hungary, and



that any such purpose would be contrary to the Monarchy's own interests. Austria-Hungary only considered it necessary to inflict a fully deserved chastisement upon Serbia. M. Sazonow expressed his doubts as to whether Austria-Hungary would abide by such a declaration.

The conversation ended with an appeal by M. Sazonow that Germany coöperate with Russia for the maintenance of the peace. The German Ambassador assured the Minister that Germany had no desire to precipitate a war, but that she naturally would defend her ally's interests without reservation.

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No. 17.

*Count Berchtold to Count Mensdorff, London.*

[Telegram.]

VIENNA, *July 24, 1914.*

Re: Your yesterday's telegram.

I request you to explain to Sir Edward Grey without delay that our representations of yesterday at Belgrade should not be regarded as a formal ultimatum, but merely as a note with a fixed time-limit. You will give Sir Edward Grey the strictly confidential information, that, for the time being, the interruption of diplomatic relations with Serbia and the beginning of the necessary military preparations would be the only consequences if the time-limit should expire without result. We are absolutely determined to exact satisfaction of our legitimate demands.

You are authorized to declare that we shall, however, be compelled to demand indemnification from Serbia for all expenses incurred in such military preparations, should Serbia, after the expiration of the stipulated time, yield only under the pressure of the aforesaid preparations. It must be remembered that we already have had to mobilize twice on account of Serbia, namely in 1908 and 1912.

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No. 18.

*Count Berchtold to Count Szápáry, St. Petersburg.*

VIENNA, *July 24, 1914.*

I received the Russian Chargé d'Affaires this forenoon, and explained to him that I made a special point of informing him as early as possible

of our step in Belgrade, and of acquainting him with our point of view in this matter. Prince Kudascheff thanked me for this mark of consideration, but did not conceal his uneasiness at our summary proceeding toward Serbia. He pointed out that it was feared at St. Petersburg that our action would involve the humiliation of Serbia, an event to which Russia could not remain indifferent.

I endeavored to reassure the Russian Chargé d'Affaires on that score. I explained that our object was to obtain a readjustment of the intolerable attitude of Serbia toward the Monarchy. For this purpose we endeavored to induce the Servian Government to make public disavowal of the existing hostile agitation against the integrity of Austria-Hungary, and to suppress it by administrative measures. We also desired an opportunity to satisfy ourselves that the measures adopted would be conscientiously carried out.

I emphasized the dangers which the continuation of the Great Servian propaganda involved, not only to Austria-Hungary's integrity, but also to the equilibrium and the peace of Europe. I moreover pointed out that the safety of all dynasties and not least of all, the Russian, would be threatened if the conviction were to spread broadcast, that murder could be employed with impunity as a weapon in a chauvinistic agitation.

Finally, I pointed out that we did not aspire to territorial aggrandisement but merely desired the maintenance of the status quo; a point of view that should be understood by the Russian Government.

Prince Kudascheff then observed that he was unfamiliar with the views of his government and he did not know what attitude Serbia would take with regard to several of the demands.

In concluding our interview the Chargé d'Affaires undertook to bring to his government's knowledge the explanations I had given him concerning our action, and especially promised to mention our assurance that we did not intend to humiliate Serbia.

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No. 19.

*Count Berchtold to the Imperial and Royal Ambassadors in Berlin, Rome, Paris, London, St. Petersburg and Constantinople.*

VIENNA, July 25, 1914.

I have the honor to enclose herewith for you the dossier announced in the circular note to the Powers concerning the Pan-Servian propaganda and its connections with the Serajevo plot.

You will please communicate this dossier to the government to which you are accredited:

## MEMOIR

The movement emanating from Serbia which aims at the detachment of the Southern Slav parts of Austria-Hungary from the Monarchy to unite them with Serbia, extends far back into the past.

The propaganda on Servian soil, always the same in purpose, varying merely as to means and intensity, reached its climax during the crisis of the annexation. Divesting itself of the protecting cloak of secrecy, this propaganda at that juncture emerged with an open confession of its tendencies. Under the patronage of the Servian Government, it strove to attain its object by every means at its disposal. While on the one hand the entire Servian press clamored for war against the Monarchy in a series of broadsides wherein the facts were maliciously distorted, on the other hand associations were formed in preparation for a struggle. There were also other means of propaganda.

The Narodna Odbrana was the most important among these. Ostensibly organized as a private society, it was entirely dominated by the Belgrade Foreign Office through the officers and State functionaries on its roll of membership. Among its founders were the following: General Bozo Jankovitch, former State Secretaries Ljuba Jovanovitch, Ljuba Davidovitch and Velislav Vulovitch; Professor Zivojin Dacitch (Barcitch), director of the State Printing Office, and the then Captains, now Majors, Voja Tankositch and Milan Pribicevitch. This society devoted itself to the recruiting and equipment of bodies of volunteers for the coming war against the Austro-Hungarian Monarchy. (See Enclosure 2.)

As an illustration of the activities of the Narodna Odbrana, the deposition of Trifko Krstanovitch, a subject of Bosnia and Herzegovina and a witness in the Common Pleas Court at Serajevo, will be of interest. This man was then in Belgrade and had been hired by the Narodna Odbrana as a *Komitadji*, together with other subjects of the Monarchy. With some hundred and forty other members of this band, Krstanovitch at the beginning of 1909 had been enrolled in a school established and managed by the Majors Voja Tankositch and Dusan Putnik in Cuprija (County of Jagodina) for the instruction and equipment of armed bands of men. In it all the instructors were Servian officers. General Bozo Jankovitch and Captain Milan Pribicevitch made regular inspections of this three-months' course of education in irregular warfare.

The future *Komitadjis* were there instructed in shooting, bomb-throwing, laying of mines, blowing up of railways, tunnels and bridges, and the destruction of telegraph lines. It was their task to apply their newly acquired knowledge in Bosnia and Herzegovina under the orders of their commanders.

Through these activities of the Narodna Odbrana, which were carried

on openly and were supported by the Servian government, the guerilla warfare against Austria-Hungary was organized. Subjects of the Monarchy were induced to commit acts of treason against their own country and were systematically trained to make treacherous attacks upon the defences of their country as Servian emissaries.

This period of aggressions was terminated by the declaration of the Servian Government on the 31st of March, 1909, wherein the latter declared its willingness to abide by the new political order created by the annexation of Bosnia and Herzegovina and solemnly pledged itself to maintain friendly relations with the Austro-Hungarian Monarchy in the future.

This declaration seemed to mark the end of the movement against Austria-Hungary, the source of so much unrest, and to point a path to a really friendly approach between Servia and the Dual Monarchy. Deprived of the assistance of the Servian Government, and checked by the latter as in duty bound, the hostile propaganda would have been reduced to a mere shadowy existence, sure to vanish.

In such an event the kinship of Servia with the Southern Slavs in the Dual Monarchy by race, language and traditions, would have stimulated a joint work of culture which would have been of common value to both countries. But expectations in this direction were not fulfilled.

The aspirations hostile to the Dual Monarchy remained in operation, and, under the very eyes of the Servian Government, which has done nothing to suppress this movement, the propaganda against Austria-Hungary was intensified. Rancor against the Dual Monarchy was kept at a high pitch, and by new instigations was made implacable.

In the same old way, adapted to the changed conditions and supplemented by new methods, the people of Servia were roused to a struggle of extermination against Austria-Hungary. In a systematic manner secret meshes were woven to and fro in the Southern-Slav districts of the Dual Monarchy, and the citizens of the latter were corrupted to betray their country.

Above all other agencies, the Servian press has not ceased to work in this direction. No less than 81 Servian publications had to be excluded from Austria-Hungary because their contents were in flagrant violation of the provisions of the domestic criminal code.

There was hardly a provision enacted for the protection of the august person of the Sovereign, members of the dynasty and the integrity of the State, which was not violated by Servian newspapers. A few specimens of these too frequent press utterances, selected from an abundant crop of such matter and referring to various periods, are tabulated in Enclosure 1.

Without entering into a more minute discussion of these indications of public opinion in Servia, it must be stated that they habitually referred to the annexation of Bosnia and Herzegovina as an act of robbery committed against Servia and requiring remedy. This view is not only

repeated over and over in the ultra-radical papers in all the degrees of filthy expression of which the Servian language is capable, but which finds practically open utterance in the *Samouprava*, a publication closely connected with the Belgrade Foreign Office. (See lit. C of Enclosure 1.)

Attention must be directed likewise to the manner in which the Servian press treated the murderous plot of Bogdan Zerajitch on June 15, 1910, in Serajevo against the Governor of Bosnia and Herzegovina, General von Varesanin.

Zerajitch, as is known, committed suicide immediately after his deed, having previously reduced all his papers to ashes. Under these circumstances the motive of his plot could not be completely established. However, from a badge found on him, one might infer that he was a believer in Kropotkine's tenets. Investigation led to the conclusion that the crime rested on anarchist foundations.

The press of Servia, nevertheless, extolled the assassin as a Servian national hero and glorified his deed. And the *Politika* even voiced a solemn protest against the assumption that Zerajitch was an anarchist, claiming him as an "heroic Serb whose name every Servian will cherish with sorrow."

The day of the 18th of August of the same year (the birthday of his Imperial and Royal Apostolic Majesty), was chosen as the appropriate occasion by the *Politika* for a resumption of its discussion of the plot of Zerajitch, whose name is uttered by the people as something sacred, and to publish a poem extolling this murderous attempt (lit. A of Enclosure 1).

Thus this crime, which had nothing to do with Servian aspirations to territories belonging to the Dual Monarchy, was utilized for the propagation of subversive ideas. Through the glorification of Zerajitch, murder was expressly commended as a model weapon in the struggle to realize Servian ideas, and as a deed worthy of emulation. This sanction of murder as a legitimate method in the fight against the Dual Monarchy recurs later in the press comments on the murderous attempt of Jukitch against the Royal Commissioner, M. von Cuvay. (See lit. C of Enclosure 1.)

These sheets were not only circulated in Servia, but, as will be shown hereafter, were also smuggled into the Monarchy through well organized secret channels. It is these sheets that roused the masses and made them fertile soil for the activities of the associations antagonistic to the Monarchy.

The Narodna Odbrana became the focus of the agitation carried on by various organizations. The persons who had been at the head of this society at the time of the annexation were still its leaders. Now, as then, the most untiring and active organizers were the most violent enemies of the Dual Monarchy, to wit: General Bozo Jankovitch, Zivojin Dacitch, Director of the State Printing Office, and the Majors Milan Pribicevitch and Voja Tankositch. In its broader organization, which was under a strict hierarchical rule (See Enclosure 2 under "Or-

ganization"), the Narodna Odbrana soon included about 400 committees, all of which displayed a lively activity.

Under the same leadership as when it was founded, the Narodna Odbrana became the centre of an agitation to which the Sharpshooters' Association, including 762 societies; the Sokolbund, with 2,500 members; the Olympian Club, the Equestrian Society, "Knez Mihajlo," the Jägerbund, the Kulturliga and numerous other societies belonged. Owing to a constant mutual interchange, these organizations were practically amalgamated and to-day their membership constitutes one body, the Narodna Odbrana.

Thus the Narodna Odbrana extended its close-meshed net of agitation over the whole of Serbia, drawing to itself everybody who proved susceptible to the seduction of its ideas.

The spirit of the Narodna Odbrana is clearly disclosed by its official publications.

Disguised by its articles of association as a cultural organization, concerned solely with the intellectual and physical development of the population of Serbia, as well as with its material betterment, the Narodna Odbrana betrays the true and only reason for its existence, by the publication in its organ of the following programme of reorganization: Under the pretext that the Dual Monarchy is seeking to despoil Serbia of "her freedom and language and crush her utterly," the Odbrana pledges its members to preach to the people of Serbia, "fanatically and untiringly," the "holy truth" that the waging of a war of extermination against Austria-Hungary, Serbia's first and greatest enemy, is an imperative necessity; that this war must be carried on "with rifles and cannon," and that the people must be put in readiness "in every way" for "the struggle to liberate the oppressed territories where 7,000,000 of our enslaved brothers are suffering." (See Enclosure 2.)

The "cultural aims" of the Narodna Odbrana are completely dominated by this idea. They are means to the end of organizing and educating the people for the longed-for struggle of extermination against the Dual Monarchy.

The same spirit animates all the societies affiliated with the Narodna Odbrana. The Sokol Societies in Kragujevac (See Enclosure 3) are a case in point.

Like the Narodna Odbrana itself, these affiliated organizations are under the direction of army officers, professors and state officials. The opening address which the president of the society, Major Kovacevitch, delivered in 1914, at the annual meeting, omits all mention of athletics, the main object of a Sokol Society, and deals exclusively with the "preparations for the struggle" against the "dangerous, heartless, lustful, hateful and greedy enemy in the north," who is "depriving millions of Servian brothers of their freedom and rights and keeping them in slavery and chains."

In the report of the management of this society all references to the

nominal objects of its activities are relegated to the background. The report only indicates the real aims of the executive committee, to wit: the promotion of the national evolution and the strengthening of the "suppressed people," to the end that they may carry out their programme and accomplish that "great deed" which will be achieved in the near future—"the liberation of the brothers across the Drina, who are suffering the torments of the crucified."

Even the treasurer makes use of his financial report to sound a warning that it is necessary to "train falcons" which would be able "to bring freedom to the brothers not yet liberated."

Like the "cultural aims" of the Narodna Odbrana, the "athletic sports" of the Sokols are not an end in themselves but a mere means to advance the same propaganda, which is carried on with the same idea, and even with the use of almost identical words.

The Narodna Odbrana, in inciting the "people" to the struggle of extermination against the Dual Monarchy, appeals not only to the masses in both Servia, but to all Southern-Slavs. To the Narodna Odbrana the Southern-Slav territories of the Monarchy represent "our conquered Servian dominions." (Also see Enclosure 4.) Thus, the Southern-Slav subjects of the Dual Monarchy are asked to participate in this "national work," this "sound, vital work" beyond the Servian frontier. The Narodna Odbrana appeals for "heroes for this holy struggle" on the soil of the Dual Monarchy, where Oblitch, Sultan Murad's murderer, is pointed to as an example of national devotion, worthy of imitation.

To spur on the "brothers outside of Servia" to participate in the "work of private initiative," the Narodna Odbrana keeps in close touch with the "brothers across the frontier." Nothing is said in the official organs of the society about the nature of this connection, presumably because it belongs to that part of the "general work" which, for manifold reasons, is not to be disclosed.

How extensive this branch of their activity is, however, can be gathered from the fact that both the Central Committee of the Narodna Odbrana and some of its regional committees maintain their departments "for Foreign Affairs."

This "foreign" activity of the Narodna Odbrana and of its affiliations is many-sided.

Relatively the least dangerous means of this agitation, because amenable to the control of the authorities, are the lecture tours which prominent members of the Narodna Odbrana undertake to south-eastern parts of the Dual Monarchy, where they address various societies on national and cultural subjects. On such occasions the opportunity is offered to the lecturer to recruit more or less openly for the above-mentioned societies, using words and expressions which carry a hidden meaning to the initiated.

In the ranks of these emissaries the above-mentioned director of the Servian State Printing Office, Zivojin Dacitch, plays a prominent part. Zivojin Dacitch had issued a proclamation to the Servian people on

August 9, 1909, in which he designated Austria-Hungary as Serbia's enemy and exhorted the country to prepare for the war against the Monarchy. He undertook many trips for purposes of agitation to the south-eastern parts of the Austro-Hungarian Monarchy. In one of these lectures, delivered in Karloci (1912), he abandoned his usual caution and advocated the "union of all Serbs against the common enemy." His references to Austria-Hungary in this instance lacked nothing in clearness.

More menacing were the relations which the Servian societies, imbued with the spirit of the Narodna Odbrana, entertained with organizations in the Monarchy under cover of a unity of interests and culture. The mutual visits of these societies, made either in a body or by delegates, could not be controlled by the police and authorities, and were utilized by Serbia for the prosecution of many plans hostile to the Monarchy.

Thus, for instance, a delegate of the Narodna Odbrana at the notorious celebration of the Prosvjeta Society in Serajevo (September, 1912), did not hesitate to secretly enlist Bosnian members for his society. (See Enclosure 6.) The delegating of a representative of the Sokol Society at Kragujevac to this celebration was meant to convey this message to the "Brethren in Bosnia": "We have not forgotten you; the wings of the falcons of the Sumadija are still powerful." As to the proceedings at such meetings in Serbia, it is more difficult to report in detail. They are not under the control of the Imperial and Royal authorities, which have to collect their information at second-hand. (See Enclosure 3.) In this connection the visit of the students of Agram to Serbia in April, 1912, may be recalled. This event took on the aspect of a strongly suggestive demonstration, by reason of an official military reception and a review of Servian troops in honor of the students. Not without justification in fact did the report of the business manager of the Sokol Society at Kragujevac refer to this event "as the beginning and germ of a great deed which shall be performed in the nearest future," as "a seed which will put forth shoots when the soul of the people shall have been warmed to the task until there shall be no barriers which cannot be torn down."

Only a short while ago the authorities of the Dual Monarchy were apprised of the fact that the Servian Sokol Societies effected a secret union with corresponding organizations in the Monarchy, of which the exact character, pending investigation, is not yet clearly established. Tentative results of this investigation indicate, however, that herein has been traced one of the channels through which the Servian Sokols and their friends are instilling their subversive aims into the minds of beguiled and misled persons in the Monarchy.

This preliminary propaganda, affecting masses as a whole, is, however, entirely overshadowed by the "foreign service work" performed by the Narodna Odbrana and its friends in their man-to-man canvass. This is the ground where the most deplorable results of the movement



are evidenced. Through its secret emissaries and trusted agents, the agitation has stirred up unthinking youths as well as adults. Thus, Milan Pribicevitch induced the former Honvéd officers, V. B., D. K., V. N. and V. K., the last named a lieutenant in the Croatian-Slavonian gendarmerie, to desert the army of the Austro-Hungarian Monarchy under serious circumstances, and to flee to Serbia. True it is that they have been disappointed in their hopes and some of them would gladly return to the country which they betrayed.

The agitation developed by Serbia in the middle schools in Croatia and Bosnia is unfortunately too well known to require exemplification. It is probably not so well known, however, that those expelled from Croatian and Bosnian schools for gross breaches of discipline are welcomed with open arms in Serbia, often subsidized by the State and educated as enemies of the Monarchy. Servian schools with their anti-Austro-Hungarian text-books and maps, and the large number of professors and teachers belonging to the Narodna Odbrana, lend themselves admirably to the training of these adepts. The following is a notable instance of this sort: In March, 1914, several pupils of the training college for elementary teachers in Pakrac (Croatia) had to be expelled on account of a strike. They went to Serbia, where some of them immediately obtained appointments as teachers, while others were admitted to a training college for teachers. Affiliating with people hostile to the Monarchy, one of these expelled school strikers publicly declared that he and his friends, on the occasion of the visit to Bosnia of the heir apparent, would produce convincing proofs that Bosnia was a Servian land. It must seem at least strange that the Royal Servian District Prefect and Krajna issued Servian passports to three of these compromised students at the time of the visit of Archduke Francis Ferdinand to Bosnia, in which they were falsely designated as Servian subjects, although he could not have helped being aware of their Croatian citizenship. Provided with these passports, the three undergraduate teachers were able to enter, unrecognized, the territory of the Monarchy, where eventually they were identified and arrested.

These activities, however, do not exhaust the full scope of the "foreign" work of the Narodna Odbrana. For some time past the Imperial and Royal Government has had confidential information that military preparations were being made for the longed-for war against Austria-Hungary and that Servian emissaries in the Dual Monarchy were under orders to destroy means of transportation and communication, after the manner of guerilla fighters, and to kindle revolts and cause panics in the event of an outbreak of hostilities. (See Enclosure 7.)

The criminal prosecution of Jovo Jaglicitch and his confederates in the Common Pleas Court at Serajevo in 1913 for the crime of espionage (see Enclosure 6) has produced evidence confirming this confidential information.

As at the time of its establishment, the Narodna Odbrana still has on its programme the preparation of a warfare of bands, supplemented

by the development of a system of espionage. To-day the so-called "reorganized programme" of the Narodna Odbrana is in truth of broader scope, including the organization of the so-called "war of extermination" against the Monarchy and the unfurling of the "old red flag of the Narodna Odbrana."

Here, it will be seen, an atmosphere of hatred, promoted openly and secretly against the Dual Monarchy, prevailed. Coupled with it was an irresponsible agitation, availing itself of any means in the struggle against Austria-Hungary and remorselessly advocating common murder as the most efficient weapon. It is evident that out of such conditions acts of terrorism would be born, even without the active coöperation of anti-Austro-Hungarian individuals from Serbia.

On June 8th, 1912, Luka Jukitch fired a shot at M. von Cuvaj, the Royal Commissioner, which fatally injured Councillor von Hervoitch, who was seated next to him in the carriage. In his flight Jukitch shot down a police officer who was pursuing him, and wounded two others.

The views expressed by Jukitch at the public hearing of his case, were in full accord with the basic ideas and plans circulated by the Narodna Odbrana. Although Jukitch had been brooding over his murderous schemes for some time, these projects really matured when he joined the pilgrimage of students from Agram to Belgrade on April 18, 1912. During the celebrations given in honor of the visitors, Jukitch came in close touch with various persons within the sphere of the Narodna Odbrana and he had political discussions with them. A few days later Jukitch was again in Belgrade, where a Servian major handed him a bomb and another sympathizer a Browning pistol, with which he carried out his attempt at murder.

The bomb which was found in Agram had been, in the opinion of experts, manufactured for military purposes in an arsenal.

Jukitch's attempt was a matter of recent memory when Stefan Dojitch, who came from the United States to Agram, made a murderous attack in Agram on August 18, 1913, upon the Royal Commissioner, Baron Skerlec—an act born of the "foreign" agitation carried on by the Narodna Odbrana and its confederates among the Southern-Slavs in America.

The pamphlet, *Natrag u staro ognjiste vase*, published in Chicago by the Serb, T. Dimitrijevitich, contains unbridled invectives against His Imperial and Royal Apostolic Majesty and an appeal to the Serbs of the Dual Monarchy to leave America and return to Serbia for the impending "liberation." This publication shows a remarkable parallelism between the unrestrained propaganda carried on by Serbia in America and the agitation carried on by Serbia in the territories of the Dual Monarchy.

Hardly a year later Agram was again the scene of a murderous attempt of this kind, which happily failed. On May 20, 1914, Jacob Schäfer attempted to kill the Banus, Baron Skerlec, in the Agram theatre, which attempt was frustrated at the last moment by a police

officer. The ensuing investigation uncovered a plot, of which the soul was Rudolf Hercigonja. The depositions of Hercigonja and his five co-defendants made it plain that this plot also had originated in Serbia.

Having participated in an unsuccessful attempt to free the above-mentioned Jukitch, Hercigonja had fled to Serbia (October, 1912) where he and his accomplice, Marojan Jaksitch, associated constantly with *Komitadji*s and members of the Narodna Odbrana. As in so many other instances where premature dabbling in politics had driven youthful minds to frenzy, the result of this corrupting intercourse proved disastrous. Hercigonja brought home the dogma preached in Belgrade, that the Southern-Slav districts of Austria-Hungary must be detached from the Monarchy and united with the Kingdom of Serbia. In this connection he had acquired the notion from his associations in Serbia that this end could be attained solely by the perpetration of murderous plots against persons of high rank and leading statesmen of the Dual Monarchy.

Hercigonja sought to instill these ideas into the minds of his friends in Agram, some of whom he won over to his cause. In the foreground of his programme was an attempt upon the life of Archduke Francis Ferdinand, heir apparent to the throne.

A few months previously, proceedings in connection with a propaganda of high treason had been instituted against Luka Aljinovitch. In the course of the investigation three witnesses had deposed that Aljinovitch had declared in their presence that in 1913 he had received 100 dinars from the Narodna Odbrana and a like sum from a secret association of students for purposes of agitation and especially for an attack upon Archduke Francis Ferdinand.

These incidents indicate how the criminal activities of the Narodna Odbrana and its sympathizers had lately converged upon the person of the Archduke and heir apparent to the throne.

All these disclosures point to the conclusion that the Narodna Odbrana and the anti-Austrian circles affiliated with it in Serbia, deemed that the time had come to translate their teachings into deeds.

It is noteworthy, however, that in these activities the Narodna Odbrana confined itself to furnishing the impulses for deeds of violence, and, when its seeds had sunk into fertile ground, to supplying the material means for their commission; but that it left the dangerous rôle of the "propaganda of deeds" solely to the misled youth of the Dual Monarchy, who had to bear the full burden of their sorry "heroism."

All the features of this method we find in the history of the origin of the deplorable murder plot of June 28, 1914. (See Enclosure 8.) Princip and Grabez are types of the youth whose minds had been poisoned in school by the teaching of the Narodna Odbrana.

In Belgrade, associating with a circle of students nourished upon these ideas, Princip conceived schemes to assassinate Archduke Francis Ferdinand, against whom the hatred of all Servian elements antago-

nistic to the Dual Monarchy had turned under the impetus of his visit to the annexed provinces.

Princip was joined by Gabrinovitch, a member of the same circles, whose erratic radical-revolutionary views had developed, according to his own admissions, under the influence of his surroundings in Belgrade and through perusal of Servian papers. Thus Gabrinovitch also drifted into ways hostile to the Monarchy and adopted the theories of "the propaganda of deed." Thanks to his antecedent dispositions, Grabez also quickly succumbed to the influence of these surroundings, which he had entered later.

But, howsoever far the matter may have developed and howsoever firm the determination of the conspirators may have been to carry out the plot, it would never have materialized, had not other persons supplied the means for its accomplishment, as in the case of Jukitch. Princip and Gabrinovitch at their trial admitted that they had neither weapons nor money of their own.

It is interesting to note the quarters where the confederates tried to get their weapons. Milan Pribicevitch and Zivojin Dacitch, these two notorious leaders of the Narodna Odbrana, were the first whom they thought of as helpers in their hour of need, apparently because in the circle of would-be-murderers and plotters it had become a tradition to procure murderous weapons from those representatives of the Narodna Odbrana. The accidental circumstance that these two men were not in Belgrade at the critical time frustrated this plan; Princip and Gabrinovitch had no difficulty, however, in finding other helpers in the person of Milan Ciganovitch, a former *Komitadji* and now an official of the Central Servian State Railway in Belgrade, another active member of the Narodna Odbrana who had made his first appearance in its history as the graduate of a school for the training of bands in Cuprija in 1909. (See Enclosure 5.) Nor were they disappointed in Ciganovitch, who immediately gave them the required supplies.

Ciganovitch with his friend, the Servian Major Voja Tankositch, likewise a leader of the Narodna Odbrana and a former director of the school of bands in Cuprija (see Enclosure 5), became now the intellectual leaders and promoters of the plot which they seemed to approve with an indifference characteristic of the moral qualities of the whole movement aimed at the Dual Monarchy. They had only one doubt in the beginning, and that was whether the three conspirators had firmly made up their minds to risk the deed. This hesitation, however, was soon overcome by the suggestive coöperation of the two Servian officials. Tankositch secured four Brownings with ammunition, and money for traveling expenses; six hand grenades from the Servian army stores supplemented this equipment, which in kind and origin invites comparison with the conditions in the Jukitch case. To make certain the success of the plot, Tankositch ordered that the conspirators be instructed in marksmanship, which task Ciganovitch assumed with a success now realized but too well. Special anxiety was evinced by both

Tankositch and Ciganovitch in insuring secrecy about the plot. They supplied cyanide of potassium, with instructions that the perpetrators commit suicide with it after they should have performed their task. This precaution was to the sole advantage of the instigators of the deed, as the preservation of the secret would eliminate even the small risks which they had to assume in the undertaking. Certain death to the victims of its wiles, and complete security for themselves—such is the usual usage of the Narodna Odbrana.

To render possible the carrying out of the murder scheme, bombs and weapons had to be smuggled into Bosnia. Ciganovitch again acted as the helper, minutely designating to the conspirators the road which they should follow and enlisting the coöperation of the Servian frontier authorities to pass them into Bosnia. The manner of the organization of this passage, which even Princip found "mysterious," leaves no doubt of the fact that this was a well prepared and often utilized road for the secret purposes of the Narodna Odbrana.

In a matter-of-fact way which indicates long-established habit, the frontier captains at Schabatz and Loznica placed their entire staffs and administration at the disposal of the authors of the scheme. This mysterious means of travel, with its elaborate system of constantly changing guides, always ready on the spot, as if by magic, when they were needed, worked without a hitch. Without even inquiring into the object of this unusual trip of a few immature students, the Servian authorities, at the behest of the former *Komitadji* and subordinate railway employee, Ciganovitch, set the machinery of their offices running smoothly for the accomplishment of the task. There was, of course, no need of questions, as the instructions which they had received made it quite clear to them that another "mission" of the Narodna Odbrana was to be carried out. The sight of the arsenal of bombs and revolvers elicited merely a benevolently approving smile from Grbitch, the customs officer on duty, which goes to show that on this "road" the sight of such contraband was quite customary.

The Royal Servian Government has assumed a heavy load in allowing all this to happen. Pledged to neighborly and friendly relations with Austria-Hungary, it has permitted its press to disseminate hatred against the Dual Monarchy. It has permitted the establishment, upon its soil, of organizations designed to conduct a revolutionary campaign against a neighboring state, under the leadership of high military and civil officials, teachers and judges. It has not suppressed the activities of men holding high posts in the state administration, who poisoned the national conscience to an extent that has made common assassination appear to be a commendable weapon.

ENCLOSURE 1.

*Servian press comments.*

(a) On the occasion of His Imperial and Royal Apostolic Majesty's 80th birthday, on August 18, 1910, the *Politika* published a large picture of Bogdan Zerajitch, who

two months before this had attempted to murder Baron Varesanin, Governor of Bosnia. The accompanying article ran as follows:

"Two months ago, on June 2nd, on the very day of the opening the Bosnian-Herzegovinian Diet, a Servian youth, the student Bogdan Zerajitch, attempted to murder the Governor of Bosnia and Herzegovina in Serajevo, General Marian Varesanin. Zerajitch fired five shots at this renegade, who had assured his career in the famous uprising in Rakovica by shedding the blood of his own brethren. Owing to a peculiar accident, the attempt to kill him was unsuccessful. Thereupon brave Zerajitch, with the sixth and last bullet, blew his brains out and instantly fell dead.

"In Vienna they knew full well that Zerajitch had not been prompted to attempt this murder by reading Russian and revolutionary writings. He had done this as a noble scion of a people, which in this bloody manner desired to protest against foreign rule. For this reason they tried to hush up the whole matter as quickly as possible and—also against their habit—tried to avert a trial, which would have compromised the Austrian Government in Bosnia and Herzegovina even more. In Vienna, the desire was expressed that the memory of Zerajitch be blotted out and that significance be denied to his murderous attempt. It is this fear of Zerajitch dead and the ban placed on his name throughout Bosnia and Herzegovina, which has exalted his memory among the people as that of a saint—to-day, on August 18th, perhaps more than ever. On this day we also light a candle on his grave and cry: 'Honor to Zerajitch!'"

Here are appended some verses, which in rough translation run as follows:

Bosnia lives, death not yet has come unto her;  
In vain her body have you entombed;  
A fettered victim, she still flashes her fire.  
Time is not yet to intone her dirge.  
With devilish hands you scratched upon the grave,  
Yet will the living dead not go down to rest.  
Emperor, harkst Thou? In the flash of the gun  
Those bullets of lead how they whiz by Thy Throne?  
Not slaves they; no, 'tis freedom divine  
Shining forth from the brave hand of the conquered.  
Why quaketh thus that terrible Golgotha?  
In defense of Christ, Peter drew his sword.  
His hand fell, but from his blood  
A thousand more brave hands will rise;  
Yon shot was but the first messenger  
Of the Servian Easter that shall follow Golgotha's pain.

(b) On October 8, 1910, on the anniversary of the annexation of Bosnia and Herzegovina, the *Politika* and *Mali Journal*, the latter with black borders, published violent attacks upon Austria-Hungary.

"Europe must take note that the Servian people still thirst for revenge." "The day of revenge must arrive; the feverish efforts of Serbia to organize her army are a token of this accounting to come, as is the hatred of the Servian people for the neighboring Monarchy."

Such were some of the expressions used by these journals.

On the same occasion the *Samouprava* on October 9, 1910, said: "Invective and

excesses are not the effective expression of genuine patriotism. It is solely through calm and dignified work that the goal can be reached."

(c) On April 18, 1911, the *Politika* wrote: "With the exception of a few cynics nobody in Serbia would look with favor upon a visit of King Peter to Vienna or Budapest. The annexation of Bosnia and Herzegovina has once for all shattered even the semblance of friendship between Serbia and Austria-Hungary. This every Servian feels."

(d) The *Belgradske Novine* on April 18, 1911, wrote as follows: "Most of the men close to the Government disapprove King Peter's projected visit to Emperor Francis Joseph. The storm of indignation which stirred all Servians because of this proposed trip of the King, is quite natural."

(e) The *Mali Journal* of April 19, 1911, has this to say: "King Peter's visit to the Sovereign of Austria-Hungary would mean an insult to all Serbia. Through this visit Serbia would lose her claim to Piémont's part. Serbia's interests can never be identified with Austria's interests."

(f) On April 23, 1911, the *Politika*, *Mali Journal*, *Tribuna*, *Belgradske Novine* and *Vecernje Novosti* thus comment on the proposed visit of King Peter to the court of Vienna: "Between Serbia and Austria-Hungary there never can be friendship. King Peter's proposed visit means, therefore, 'an infamous capitulation,' 'a humiliation to Serbia,' 'a solemn sanction of all the crimes and misdeeds committed by Austria-Hungary against Serbia and the Servian people.'"

(g) On April 18, 1912, the *Trgovinski Glasnik* publishes an editorial entitled "Austria's Collapse," which reads in part: "In Austria-Hungary there is ruin in every direction. What is happening beyond the Danube and Save is no longer a German, Magyar, Bohemian or Croatian crisis, but a general Austrian crisis, a crisis of the dynasty itself. We Servians view with satisfaction such a course of affairs in Austria."

(h) In an article entitled "The Frontiers of Albania" the *Balkan* attacks Austria-Hungary as follows: "If Europe is too weak to call a halt on Austria, Montenegro and Serbia will do so by shouting to Austria: 'Stop; you shall go no further.' War between Austria-Hungary and Serbia is inevitable. We have dismembered the Turkish Empire; we shall likewise rend Austria asunder. We have ended one war; now we are facing another."

(i) The *Vecernje Novosti*, April 22, 1913, publishes a plea to the travelling Servian public and Servian business men to boycott the Danube steamship company. It says: "Nobody should travel on the ships of this Austrian company, nor should anybody transport cargo on them. Whoever does this, should be fined by a committee. The fines would go into the fund of the *Komitadjis*, which is to be utilized in the coming war with Austria."

(k) The *Tribuna*, May 26, 1914, on the occasion of Austria-Hungary's occupation of Ada Kaleh, publishes the following: "Criminal black-and-yellow Austria has again played a burglar's trick. She is a thief, who, if she cannot steal a whole bag of money, contents herself with one dinar."

(l) On June 10, 1913, on the anniversary of the attempted murder of the Royal Commissioner in Agram by the student Luka Jukitch, Servian papers published commemorative articles. Says the *Pravda* in one article: "It must hurt the soul to its depths that not everybody has acted as our Jukitch did. We have Jukitch no

more, but we have hatred and anger; we have to-day ten millions of Jukitch. We are firmly convinced that Jukitch, through the window of his prison, will soon hear freedom's last gunshot."

(m) *Mali Journal*, October 7, 1913, published an editorial, wherein the right of existence is denied to Austria-Hungary and all Slavic nationalities are called upon to second the offensive war, which Serbia planned to start soon.

(n) The *Piémont*, October 8, 1913, has this to say on the anniversary of the annexation: "To-day five years have elapsed since an Imperial decree extended the sceptre of the Habsburgs over Bosnia and Herzegovina. The people of Serbia will feel the pain inflicted upon them on this date for many another decade. Humiliated and bereft, the Servian people moaned in despair. The nation made vows to wreak vengeance and to win freedom by heroic measures. This day has come again to rouse the slackened energies of the race. To-day, Servian graves dot the ancient Servian countries; Servian cavalry is treading on the battlefields of Macedonia and Old-Servia. The people of Serbia, having finished their task in the South, now turn in the opposite direction, whence the moans and anguish of the Servian brother come to them, and where the gibbet is set up. Servian soldiers, to-day, fighting these Albanians, stirred up in Dusan's Empire by the state which took Bosnia and Herzegovina from us, have vowed that they will proceed in a similar way against the 'Second Turkey,' as they have dealt by God's help with the Turkey of the Balkans. They take this pledge, confident that the day of vengeance is approaching. One Turkey has disappeared. The good God of Serbia will grant that the 'Second Turkey' shall also disappear."

(o) The *Mali Journal* of November 4, 1913, publishes this: "Any thought of a reconciliation with Austria-Hungary is equivalent to treason against the people of Servia. Servia must reckon with the facts and forever bear in mind that Austria-Hungary is her dangerous enemy and that to fight that monarchy must be the most sacred duty of every Servian Government."

(p) Thus the *Pravda* of January 14, 1914: "Our new year's wishes go first to our not yet liberated brothers, groaning under an alien yoke. Servians may well persevere; after Kossovo came Kumanovo, and our victorious march is not yet ended."

(q) The *Novosti* of January 18, 1914, published a picture of the religious ceremony of the blessing of the waters in Bosnia, in connection with the following text: "Servians maintain their customs without modification even in lands which groan under foreign rule, until the day of freedom shall find them united in enthusiasm."

(r) The *Zastava* in the issue of January, 1914, admits that "Servia incites the Austro-Hungarian Serbs to revolution."

(s) The *Mali Journal* of March 9, 1914, has this to say: "Servia can never forget the rattling of Francis Ferdinand's sabre on the occasion of the Scutari affair."

(t) The *Zastava*, April 4, 1914, publishes this: "The Austrian statesmen who promote a policy of hatred, a policy of bureaucrats, not a far-reaching policy, are themselves bringing about the ruin of their state."

(u) The *Pravda* of April 8, 1914, makes the following comment: "Austria has lost all rights to existence."

(v) In the Easter issues (April, 1914), all Servian papers express hope that their "unliberated, conquered and oppressed brethren may soon celebrate a glad resurrection."



(w) The *Tribuna* of April 23, 1914, says: "The Pacifists have discovered a new slogan: that of 'Europe's patriotism.' This programme can be carried out only if Austria is divided."

(x) The *Mali Journal* of May 12, 1914, says: "What is a crime in private life Austria calls politics. History knows only one monster, and that monster is Austria."

## ENCLOSURE 2.

*Extract from the "Narodna Odbrana," the official organ of the Society of the same name, published by the Central Committee of that Society. (Narodna Odbrana, izdanje s'fedisnog edbora Narodna Odbrane. Beograd, 1911. Nova stamparija "Davidovic," Decanska ulica br. 14. Ljub. Davidovica.)*

In a brief preface to this pamphlet it is pointed out that the publication "does not represent a complete, exhaustive analysis of the total general work of the Narodna Odbrana, as for many reasons it neither should nor could do that."

This publication is divided into three parts, the first of which consists of fourteen chapters setting forth a sort of programme, while the second contains a report on the activity of the society and the third consists of sample rules for the organization of similar societies beyond the frontiers of Servia.

In Chapter I, entitled "Genesis and Activity of the first Narodna Odbrana," it is pointed out that this society was the outcome of the popular movement which swept over Servia after the annexation of Bosnia-Herzegovina, and had the following object:

- (1) To arouse, encourage and strengthen national sentiment.
- (2) To enroll and recruit volunteers.
- (3) To form volunteer-units and prepare them for armed action.
- (4) To collect voluntary contributions in money and supplies for the realization of the task.
- (5) To organize, equip and drill special irregular troops ("committees") for special, independent warfare.
- (6) To institute movements in all other ways for the defence of the Servian people.

In connection with the above, it is pointed out that on account of the recognition by the great Powers of the annexation of Bosnia-Herzegovina, a stop was put to the work of the society, whereupon under the by-laws the programme of the Odbrana was reorganized and a new work was started in order that the "old, red war-flag of the Narodna Odbrana might again be unfurled" if a similar situation should arise.

In Chapter II, entitled "The New Narodna Odbrana of To-day," is the following passage:

"Experience taught us in the days of the annexation that Servia was not prepared for the struggle which circumstances imposed upon her. The struggle which Servia has to assume is more serious and difficult than was thought. The annexation was merely one of the blows dealt to this country by the enemies of Servia. It was a blow preceded by many other blows, which will be followed by still others. In order that a new surprise attack may not find Servia in an equally unprepared state, it is necessary to prepare ourselves for work.

The preparation of the people for a forward movement in all directions of national work in conformity with the requirements of modern times, is set down as the ob-

ject of this "work" in which the mass of the people must take part. As a means to attain this end, a strengthening of national consciousness, athletic sports, economic and hygienic welfare, the raising of the level of culture, etc., are conspicuously enjoined upon the individual and upon the society, next to the state itself.

In Chapter III, "The Three Chief Problems," it is declared that the annexation taught that the national consciousness in Serbia was not so strong as it should be in a country which, with a population of less than three millions, constituted the hope and mainstay of seven millions of the subjugated Serb people. The first problem of the society was, therefore, to strengthen the national consciousness. The second problem was the promotion of physical training; the third was to accomplish the goal of proper valuation of these sporting activities.

In the fourth chapter, "About Shooting," the value of a good training in marksmanship, especially for the Servian contingents, is emphasized, inasmuch as there the military training lasts only six months. These remarks conclude with the sentence: "A new blow like the annexation must be met by a new Servian people, in which every Serb, from childhood to old age, must be a sharpshooter."

Chapter V, which treats of "The Relation of the Narodna Odbrana to the Sokol Societies," begins with a general discussion of the conditions for the strength of states in culture and political life. In this connection the decline of Turkey is pointed out, and it is added:

"The old Turks of the south are disappearing little by little, and only a part of our people still suffer under their rule. But new Turks come from the north, more terrible and more dangerous than the old. Stronger in culture and economically, the northern enemies attack us. They wish to deprive us of our freedom, to suppress our language, to crush us. The preliminary symptoms of the approaching struggle are perceptible. The Servian people face the question, 'To be or not to be.'"

"What Do We Desire in the Lectures?" is the heading of Chapter VII, the gist of which is summed up in the sentences:

"The Narodna Odbrana instituted lectures which were more or less lectures of agitation. The programme of our new work was developed. At every lecture the annexation was spoken about, the old Narodna Odbrana and the tasks of the new. The lectures will never cease to be lectures of agitation, but they will always develop more and more into individual channels and concern themselves with every question of our social and national life."

Chapter VIII, "Woman's activity in the Narodna Odbrana," IX, "Work with reference to details and secondary matters" and X, "Renaissance of the Association," while referring to the task of the Narodna Odbrana, deal with the preparation and intensification of the association's activity, and with the necessity of regenerating individuals, the nation and the state.

Chapter XI, "New Obilitch<sup>1</sup> and Singjelitch," says by way of introduction:

"It is a mistake to assert that Kossovo is a thing of the past. We are in the midst of Kossovo. Our Kossovo to-day is the darkness and ignorance in which our

<sup>1</sup> Milos Obilitch (also Kobilitch), Servian tradition tells, crept into the Turkish camp after the battle of Kossovopolie, or Kossovo, and murdered Sultan Murad (cf. von Kallay, "History of the Serbs," Vol. 1).

Stephan Sinjeliten, Knez of Resara, played a part in the Servian revolt of 1807--

people live. The other reasons for the new Kossovo exist on our borders at the north and west: The Germans, Austrians, and Swabians (Schwabas), with their encroachment upon our Slav and Serb South."

The heroic deeds of Obilitch and Singjelitch are pointed out, and the necessity of self-sacrifice in the service of the nation, and it is added: "The national cause involves sacrifices, namely, in Turkey and Austria, where such workers are persecuted by the authorities, thrown into prison, and brought to the gallows. For this battle against darkness and ignorance, too, such heroes are needed. The Narodna Odbrana does not doubt that in the battle with rifles and cannon against the Schwabas and our other enemies our people will furnish a host of heroes. But the Narodna Odbrana is not satisfied with that, for it regards the present so-called peaceful relations as a state of war, and calls for heroes likewise for this struggle which we are waging in Servia and beyond the border."

Chapter XII is headed "The Union with the Brothers and Friends," and its significance is suggested by the following sentences:

"Among the main problems of the Narodna Odbrana is that of maintaining the union with our near and distant brothers beyond the border and the rest of our friends in the world. By the word 'people' the Narodna Odbrana is meant our entire race, not only those in Servia. It hopes that the work done by it in Servia will spur the brothers outside of Servia to more active participation in the work of private initiative, in order that the new upward movement to-day for the creation of a powerful Servian Narodna Odbrana shall proceed in common in all Serb territories."

In Chapter XIII, which is headed "Two Important Problems," occurs the following:

"Inasmuch as we take the ground that through the annexation of Bosnia and Herzegovina the encroachment upon our territories from the north has been fully revealed, the Narodna Odbrana regards Austria-Hungary as our greatest enemy." This work (namely, to designate Austria to the Servian people as its greatest enemy) is regarded by the society as a vitally necessary task, as its fundamental duty. Then the book continues:

"As once upon a time the Turks poured in upon us from the south, so Austria-Hungary to-day is attacking us from the north. If the Narodna Odbrana preaches the necessity of a war against Austria-Hungary, it is preaching a holy truth of our national situation."

The hatred arising as a result of this propaganda, it is pointed out, is not to be regarded as the goal, but as a natural phase of the work whose purpose is independence and freedom. If hereby hatred against Austria is engendered, it is Austria who sowed it through its course, a course which "makes necessary the war against Austria until that monarchy is exterminated."

The modern conception of the national idea is extolled, and it is remarked that in talking about "deliverance and union" too much work is done with phrases. The people must be told:

1810. In 1809 Singjelitch defended the redoubt of Tschagar against the Turks, and it is said that when he realized he was no match for the superior forces opposed to him numerically, he blew up his position and part of his men, together with many Turks (von Kallay, "The History of the Servian Revolt").

"The liberation of our alienated Serb territories and their union with Serbia is necessary for our gentlemen, our merchants, our farmers, for the most fundamental requirements of culture and trade, for space and for bread. Recognizing this, the people will lay a hand to the national work with a will and great self-sacrifice. Our people must be told that the freedom of Bosnia is necessary for the latter, not only out of pity for the brothers there suffering, but also for the sake of trade and for an outlet to the sea."

The "two tasks" of the Narodna Odbrana are then summed up in the following closing sentences: "Besides the task of explaining to the people the danger threatening it from Austria, the Narodna Odbrana has the more important task of carrying home to the people, with complete preservation of the holy national memories, this new healthy conception, so mighty in its results, of nationalism and of work for freedom and union."

Chapter XIV, the concluding division, opens with an appeal to the government and the people of Serbia to prepare with all means for the conflict "which the annexation foreshadowed."

In these passages the activities of the Narodna Odbrana are once more recapitulated:

"Since the Narodna Odbrana works in accordance with the spirit of the time and in conformity with the altered circumstances, maintaining at the same time all connections that were formed at the time of the annexation, it is the same to-day as it was then. It is to-day Odbrana (defense); it is also to-day Narodna (of the people). To-day, too, it rallies to its banners the citizens of Serbia as it did at the time of the annexation. At that time the cry was for war; to-day the cry is for work; at that time meetings, demonstrations, volunteer committees, rifles, and bombs were called for; to-day silent, fanatical, indefatigable work is required, and more work in the direction of the tasks and duties which we have indicated, as temporary preparation for the battle with rifle and cannon that will come."

On the subject of the organization of the Narodna Odbrana, this annual report of the society contains the following:

A Central Committee with its seat at Belgrade conducts all the minutes of the Narodna Odbrana. All other committees of the Narodna Odbrana are subordinate to this. The Central Committee is divided into four sections: for educational work, for physical training, for financial collection, and for foreign affairs.

District committees, whose headquarters are at places where there are political authorities, direct the affairs of the respective districts.

Town societies are the directing organizations in the individual towns.

Trusted men are to be found in those places within the country where there is no need of forming a committee.

Societies which "stand in closest relations with the work of the organization of the Narodna Odbrana" and are supported by the latter are: the Sharpshooters' Union, with 762 societies; the Sokol Union, "Dusan Silni," with 2,500 members; the Olympic Club, the Riding Society, "Knez Mihaljo"; the Hunters' Union and the Culture League.

All these societies are similarly organized as the Narodna Odbrana, utilize the quarters of the latter, namely, society houses, libraries, etc.; prominent members of these societies are chairmen of committees of the Narodna Odbrana.

## ENCLOSURE 3.

*Extract from the "Report of the Activities of the Sokol Society Dusan Silni in Kragujevac in the Years 1912 and 1913." (Kragujevac, "Buducnost" Press, Tih. Lekitch, 1914.)*

At the head of this report appears the address with which the President of the society, the Royal Servian Major Kovacevitch, greeted the annual meeting in January, 1914:

"It is known to you that the Sokol institution, born in the battle against Germanism, is a purely Slavic institution, which pursues the aim of uniting all Slav brothers, to inspire them with enthusiasm and through education and force to prepare for the battle against the foe of Slavdom.

"We Serbs, as a part of the great Slav community, have adopted the Sokol idea and joined hands in the common work for our own welfare and that of our brothers.

"We Serbs, too, will live and work in the spirit of the Sokol, for we wish to revive the weary and exhausted, to strengthen the weak and anxious, to free the captives and the enchained. We have done this both at present and in former wars. We have delivered a part of our brothers from the arrogance of the enemy in the south. We have torn away their chains, have freed them from pain, and have given them freedom so that in it they may enjoy happiness, equality, and fraternity."

After some words of praise of this "noble work" which "realized a part of the great Sokol idea," Major Kovacevitch continued:

"But, my brothers and sisters, our enemy in the north is more dangerous and heartless because economically and culturally he is stronger.

"This enemy is insatiable in his lust; he holds millions of our brothers in chains and slavery. He deprived them of freedom and law, and subjugated them to his service. The brothers cry and beg for speedy help.

"We may not abandon them to the mercy of this terrible and devouring foe. Rather must we hasten to their assistance, because to do that is our duty. Could we, in the last analysis, be happy if so many of our brothers live, suffer, and complain in slavery?

"Brothers and sisters!

"The foe is dangerous, lustful, and vicious. Let us always be on our guard.

"Let us work with greater eagerness and self-sacrifice. Let us be faithful in our holy Sokol duty, true and persevering.

"Let us prepare for the struggle and for the support of the just Sokol idea.

"Let us unite with the numberless swarms of Sokols and let us always think of that truth which the Servian Sokolists have inscribed on their banner: That only a healthy, strong, nationally conscious, and well-organized people is fit to defend itself, to give battle, to conquer."

To this address of the President is appended the report of the Executive Committee. After summarizing the results achieved in the last wars, which hampered the society in its activities for two years, it points out: "The day has come on which we return to our work because our programme is not yet fulfilled and our task not yet completed. A large part of our people still endure the suffering of the crucified Christ; we must still visit our brothers beyond the Drina; we must still seek the City of Serajevo and the heritage of the holy Sava; we must see to the homeland

of Marina Novak, of Deli Radivoj, and the old Vujadin; we must cross the hills of Romanija and see why Travnik has wrapped himself in mist; some day that song must cease. Woe, Bosnia, thou orphan before God, hast thou nowhere people of thy tribe?"

After a discussion of the various undertakings of the society, emphasis is laid on the fact that the society maintains relations with "the brother societies beyond the Save and Drina," and special emphasis is laid on the sending of delegates to the celebration of the Prosvjeta at Serajevo. In this connection the report says: "By sending these delegates to the brothers in Bosnia the committee intended to say to them: 'We have not forgotten you. The wings of the falcon of Sumadija are still mighty.'"

After a detailed account of a visit of Agram students to Serbia and the consecration of the flag of the "Society of the Sober Youth" the report of the Executive Committee ends with these sentences:

"The administration knows how properly to value these phenomena—the arrival of the brother Croats in the Sumadija and the convening of the 'Sober Youth' from all districts in Serbdom, and it will be no exaggeration to say that these events signify the beginning and germ of a great deed that will be enacted in the very near future.

"They are the expression of a great, and until now silent, awakening of the national consciousness and strength of a down-trodden race, which is not permitted to arise and unite. Only a while longer and this germ will ripen, and when the popular soul expands still more there will be no restrictions that it cannot tear to pieces, no obstacles in its path which it will not be able to overcome. The work of strengthening this power, the coöperation in and hastening of the course of this national development, the development and support of this idea, was always the goal of the administration's actions."

The report of the Treasurer in the first place names all those who liberally supported the society: the District Committee of the Narodna Odbrana in Kragujevac, especially its cavalry section, which frequently has come to the assistance of the Sokol Society with precious help; the Director of the gymnasium at Kragujevac, who always "showed his active paternal interest" in the Sokols; the Divisional Commandant of the Sumadija, who liberally supported the society; the President of the District Court in Kragujevac, the district chief, and the community leader in Kragujevac.

After the Treasurer has memorialized the members of the society who had been killed in the war he concludes his report with the following words:

"After such a brilliant victory over a part of our enemy the society's leaders hope that all of you from now on will devote yourselves even more fully and joyfully to the activities of the Sokol institution, so that in our falcon aerie you may train falcons which at a given time will be able to soar aloft and on their mighty pinions bring to all our unliberated brothers fraternity, love, and freedom."

The annual report is signed by Major M. J. Kovacevitch as President, by the Court Secretary, D. V. Brzakovitch, as Secretary, and by ten members of the board, among whom are two professors (Emil Lukitch and Milan Jankovitch), as well as one other officer (Infantry Major Michael Vasitch).

From this annual report and from a table sent out by the Kragujevac Sokol Society to the "Srpski Sokol" in Tuzla for filling out, and likewise signed by Major Kovace-

vitch and Court Secretary Brzakovitch, it appears that the Sokol societies in Serbia were linked with organizations of the same kind in the Monarchy in closer relations than had heretofore been the case.

## ENCLOSURE 4.

*The Servian Official Gazette in the Service of the Narodna Odbrana.*

The Servian official gazette, *Srpski Novine*, of June 28, 1914, contained as a supplement an appeal to the Narodna Odbrana which was furnished to all subscribers to the gazette. This appeal contained the following passages:

"Brothers and Sisters: Only a part of Kossovo has been avenged, only a part of St. Vitus Day atoned for. Throughout the lands in which our popular tongue is heard—the Servian, Croatian, and Slavonic—from Kikinda to Monastir, from Trieste to Carevo-Selo, extends the significance of St. Vitus Day and of Kossovo. As many national souls still weep upon this territory, as many chains still press our brothers, as much work is still to be accomplished, and as much must we still sacrifice. St. Vitus Day might formerly have denoted a day of mourning for us, but to-day, when we have gone far into our new history, when back of us stand great and glorious national events, and still greater and more glorious ones still await us, to-day when we are in the midst of the creation of the great national state, St. Vitus Day must be for us a day of great rejoicing and pride for what has taken place, since it sprung from that day, and still more because of what is to come. Servian men and Servian women! Millions of our brothers, Slavonians, Croatians, and Serbs, outside of our borders look upon us to-day, the children of the kingdom, and their breasts swell with hope and joy as they look upon our majestic manifestations of to-day for the national cause.

"God helps the brave! Forward all! That part of our holy task that has not yet been accomplished summons us, that part which is still to be accomplished. St. Vitus Day, 1914, in Belgrade."

## ENCLOSURE 5.

*Testimony of Trifko Krstanovitch about the Narodna Odbrana.*

Trifko Krstanovitch, a journeyman baker of Zavidovitchi, was arrested on the night of July 6-7, 1914, because by a remark made by him shortly after the assassination of Archduke Francis Ferdinand to the effect that this assassination was to have been expected, he had rendered himself suspicious of having had advance knowledge of the conspiracy.

He was, therefore, brought before the district court at Serajevo. In the examination of the prisoner it developed that the suspicion against him was not justified by the remark he had made, inasmuch as the remark was based solely on his former knowledge of the activities of the Narodna Odbrana and had merely been an expression of his opinion that in the agitation in Serbia against the Austro-Hungarian Monarchy, and especially against Archduke Francis Ferdinand, such an act was to have been expected. The prosecution of Krstanovic was, therefore, dropped for lack of evidence, and the prisoner was examined as a witness with a view to his knowledge of the activities of the Narodna Odbrana, which was considered important for the purposes of the investigation.

The following extract from his sworn testimony on July 19, 1914, is of pertinent interest:

"In the autumn of the year 1908 I crossed the border to Serbia on the Mokra Gora at Visegrad, in search of employment. I went to Bajina Basta in the Uzice district, and as I found no employment there I went to Belgrade, where I arrived at the time of the announcement of the annexation of Bosnia and Herzegovina. Inasmuch as I saw that on account of the annexation great excitement and commotion had been aroused among the populace and that I would be unable to find any sort of employment, I entered the Imperial and Royal Consulate in order to be helped home. But as I left the Consulate a gendarme grabbed me on the street and asked me where I came from. Thinking me to be a spy, he took me to a police station. Here I was questioned, and when I told them that I would like to go home a subaltern officer began to abuse me, asking why I wanted to leave Serbia at this time, when they needed men more than ever because there might be a war with Austria. When I told him that I had nothing to live on, he replied that I would get all I needed if I would enroll with the committee. In my distress I agreed, and a gendarme led me into the Hotel Zelenou Vijencu (The Green Garland) and there introduced me to Voja Tankositch, the leader of the committee and a captain in the regular army. Here I received board and lodging, and, as I saw, others of the committee lived here.

"Voja Tankositch told me it was the purpose of the committee to give training in bomb throwing, in the destruction of bridges, tunnels, telegraph and railway lines, because things might easily lead up to a war between Austria and Serbia. Thereupon a man led me into a house of smaller area adjoining the Ministry of Finance, where the offices of the committee were, and here in the office I met Milan Pribicevitch, who registered me in the committee. At this registration Milan Pribicevitch asked me if Voja Tankositch had told me what my duties as a committeeman would be, and I answered 'Yes.' He told me that the men who had been registered must be efficient, strong, and ready to make sacrifices. At that time we had been registered to the number of about seventy. We did nothing in Belgrade.

"After about a month and a half our leader, Tankositch, informed us that the great Powers had ordered the dissolution of our committee and that we must leave Belgrade and hide in some out-of-the-way place. They sent us to the town of Cuprija. Here we were trained by the officers Voja Tankositch, Dusan Putnik, Zivko Gvoz-ditch, and Mitar Djinovitch, who was involved in the Montenegrin bomb affair and who was shot in Montenegro. We were forbidden to associate with the people of the place, so that nothing might be disclosed about our objects and our numbers. We practiced throwing bombs, laying mines, and destroying telephone and railroad lines, tunnels and bridges. Every fortnight we were visited by Milan Pribicevitch, Gen. Bozo Jankovitch, and the apothecary Skaritch, the delegate Zivko Rafajlovitch, a certain Glisitch Milutin, an official in the Ministry of Finance, and these watched as we practiced and each time paid the expenses of our keep. Our teachers told us that as soon as war should be declared we committees would go forward in advance, behind us the volunteers, and then the regular army.

"In Cuprija we were about 140 men. In addition to board, lodging, and clothes, each of us received 25 para a day for tobacco. The course lasted about three months—that is, until March, 1909. Then the members of the committee told us that we



were dismissed and that we must disperse, for the annexation of Bosnia and Herzegovina had been recognized by the great Powers, and our committee, therefore, had no further purpose. Upon the dissolution of the committee Gen. Bozo Jankovitch told me that I would enter into the service of Bozo Milanovic in Sabac and get 50 dinar a month. He did not tell me what sort of service that would be. I accepted, because I felt myself as a committeeman to be in duty bound to obey Gen. Jankovitch, and also because I had nothing to live on. Thus in March, 1909, I arrived at Sabac and announced myself to Bozo Milanovitch a merchant in Sabac.

"Gen. Jankovitch had told me that Bozo Milanovitch was the leader of the Narodna Odbrana in Sabac and that I would serve under him in this Narodna Odbrana. When I gave Bozo Milanovitch the General's letter and he had read it, he told me that I must serve him faithfully and carry out instructions. My chief duty would be to carry his letters wherever they were addressed. In case I should not carry a letter to the place to which it was addressed, and in case any one else got in possession of this letter, my life would be involved. The very next day Bozo Milanovitch gave me a sealed letter which I was to carry to Cedo Lukitch, Guardian of the Treasury in Servian Raca. On the way toward Raca in the village of Bojatitch I was halted by the district captain, who took my letter, opened it, and read it. In the letter Lukitch was instructed to buy three boats immediately, so that they might be ready in case they were needed. Enclosed in the letter were 100 dinar. On this occasion the captain told me that strict orders had been given by the Ministry that the *komitadjis* should do nothing on their own initiative, so that no international diplomatic intervention might be provoked. I returned to Sabac and reported to Bozo Milanovitch what had happened. Bozo Milanovitch turned to the District Prefect, and the latter gave orders that the revolver which the captain in Bojatich had taken from me should be returned to me. He also ordered the captain to expedite the letter to the Cedo Lukitch to whom it was addressed. From March, 1909, to October, 1910, I carried forty-three such letters to Servian Raca, fifty-five to Loznica, five to Zvornik, two to Ljubivija, and I know not how many to Koviljaca. I noted how many times I was in each place because these places were very far from Sabac.

"I carried the letters to the directors of the customs offices in the respective places, and from these I received other letters in reply, which I carried to Bozo Milanovitch. I remember that I also carried letters several times to Sepacka Ada. My assistant in carrying letters was a certain Vaso Eritch, a native of Srebrenica. I carried letters every week to Belgrade from Bozo Milanovitch and delivered them to Milan Pribicevitch and Bozo Jankovitch. I knew nothing of the contents of these letters, and no one told me anything about these. So far as I could see the letters which Bozo Milanovitch sent were not in cipher, while the letters which the directors of the customs offices sent were written with peculiar signs, which I noticed when Bozo Milanovitch opened them. Once I brought to Bozo Milanovitch such a letter in cipher, I think from Zvornik, and he sent me with the note to Mika Atanasijevitch, professor in Sabac, so that the latter might decipher it. The latter did so, as he usually did. But he forgot to seal the translation, so I read it. In this letter was written that it was reported from reliable sources that money was to be coined with the portrait of the Heir Apparent, and that this was an indication that the Emperor Francis Joseph would abdicate. After about eight months of my service with Bozo

Milanovitch, Bozo gave me a visiting card on which a skull had been drawn and on which was written that I had been appointed a trusted man (Povjerenik) of the Narodna Odbrana. On this occasion he told me that it was a matter of espionage.

"Once I learned from the officer Dusan Opterkitch, a member of the Narodna Odbrana, that the Narodna Odbrana in Bosnia and Herzegovina had twenty-three members. Otherwise, however, I do not know whether the Narodna Odbrana has any organization in Bosnia, or what kind of organization it is. From time to time Milan Pribicevitch gave me a revolver, or sometimes money to buy a revolver, so that I might give it to the revenue men on the border who served as *komitadjis*, since they had no revolvers and no money to buy them. As it seemed to me, Milan Pribicevitch gave them these as a token of honor for being *komitadjis*. I had no other business with weapons.

"Once I was assigned by Bozo Milanovitch to accompany a man to a farm in Lijesnica, on the Drina, and was told that the farmer would give us information and show us everything necessary so that we two might kill Ljubo Stanaricitch, a Servian reserve officer who had fled to Bijeljina. The committee of the Narodna Odbrana had, it seems, discovered that Ljubo Stanaricitch was dangerous for the Servian State and had condemned him to death.

"From Bozo Milanovitch I and that other man received instructions to cross the Drina at a certain place and to kill Ljubo Stanaricitch, who lives on the bank of the Drina on the Bosnian side, in the Bijeljiner District. I and the other man started to ford the Drina, but because the water was deep, and also because we saw that Ljubo was walking around his house with his gun on his shoulder, we returned to the farmer. Because I saw that we could not kill him with a knife, I sent my companion to Sabac to inform Bozo Milanovitch that it was impossible to kill Stanaricitch in the manner in which he desired, namely, with the knife. Thereupon I received instructions from Bozo Milanovitch to kill him any way. Then we decided to shoot him with the rifle. The man who was with me was instructed by Bozo to shoot at Stanaricitch and kill him, and I was to make sure that this was carried out. In the meantime, however, a mounted gendarme came, bringing instructions from the District Prefect in Sabac that we were to return and give up our original task. And so we returned to Sabac.

"In October, 1910, I asked Bozo Milanovitch to increase my pay, and when he was unwilling to do that I told him that I would no longer remain in his service. From Sabac I went to Belgrade, where I met Gen. Jankovitch, who had me arrested because I had refused obedience. They dragged me through various prisons for about two months, and all because I had given notice that I would quit obeying commands and they were afraid I would betray their secrets. Finally the authorities decided to send me back to Bosnia. In Sabac a prisoner told me that my life was in danger. The gendarmes accompanied me to Zvornik, where they turned me over to the Bosnian gendarmes. Thus I arrived in December, 1910, in Bosnia.

"I know nothing definite about any Black Hand except what I read about that Hand in Servian newspapers. I do not remember to-day what was written about that Black Hand in the newspapers. Likewise, I know nothing about the Black List. In Servia after the annexation there was a general resentment and hatred against the person of the Austro-Hungarian Heir Apparent, for he was generally looked upon as a blood foe of the Serbs."

Krstanovitch also called attention to previous statements by him, of which only the following are of interest as supplementing the above declaration:

The committee in which Krstanovitch was enrolled through Milan Pribicevitch was created by the Narodna Odbrana. In the school in Cuprija there were twenty-two members from the Monarchy. Among the pupils was also Milan Ciganovitch.

In the school at Cuprija it was taught that the committee must be ready to go to Bosnia at the order of the Narodna Odbrana and there to act under instructions to be received from their superiors.

ENCLOSURE 6.

*Extract from the documents of the District Court in Serajevo in the prosecution of Jovo Jaglicitch and his accomplices for the crime of espionage.*

In the year 1913 a system of espionage carried on by Jovo Jaglicitch and several accomplices in Bosnia in favor of Serbia was discovered. The criminal prosecution, which was begun in Serajevo, brought out, among other things, the following facts, affording a glimpse into the methods of the Greater Servian propaganda and especially of the Narodna Odbrana.

Jovo Jaglicitch stated that in the month of August or September, 1912, he met for the first time the former cattle inspector in Foca, Petar Klaritch, called Pesut, who in the autumn of 1912 fled to Montenegro and then became a *komitadj*.

At their first meeting Klaritch asked Jaglicitch whether he knew Rade Milosevitch of Kalinovik, and upon his answer that Milosevitch was dangerously ill in the hospital, said: "It's a pity if he dies. We have been talking of wonderful things. Has he not told you anything about it?" Upon his replying in the negative, Klaritch said: "I would like to tell you something important. We are Serbs and must do something important for Serbia; come to my office." There then took place between them the following conversation:

"Jovan, I will tell you something; I do not yet know you or whether you will betray me. I tell it to you, nevertheless, and if you have the heart to do so betray me!"

Upon inquiry by Jaglicitch as to what it was all about, Klaritch answered: "Brother, in Serbia there is a society, the Narodna Odbrana. Many persons should join this society. There are already many enlisted in Bosnia and Herzegovina as well as in the entire Monarchy; there are persons among them of intelligence and means, great heads; and if those can do it why should not we also, that we may contribute something to the work?"

Asked as to the aims the society pursued, Klaritch replied: "The society has as its object—for example, you are in Kalinovik, you tell me what the news is there, how many soldiers, cannon, how much ammunition, different kinds of rifles, who comes and who goes, etc. We have a secret cipher, and correspond in it. If you are faithful you will receive it, too."

Jaglicitch was afraid that Klaritch was only trying to pump him in order thereafter to betray him, and therefore he begged him to name some of the members, whereupon Klaritch deliberated for a while, and then mentioned to Jaglicitch a name which he whispered to him in strictest confidence.

Thereupon Klaritch said to him, "Shall I give you the cipher?" Jaglicitch agreed. Klaritch, who knew the cipher by heart, wrote it out on a scrap of paper and handed it to Jaglicitch.

Another time Klaritch told about his sojourn in Banja-Koviljaca (near Loznica), where he had been trained in bomb-throwing by a Servian captain, Todorovitch,<sup>1</sup> and said in reply to an inquiry by the accused as to why he had learned this: "If it comes to anything, as I have already told you, it is necessary that I should understand how to handle bombs, that I should train you, and you train others, so that powder magazines and other important structures may be blown up. For that purpose we shall receive bombs from Servia."

Klaritch described the appearance of the bombs and said he already had enlisted people who would cut telegraph and telephone wires in the event of a war.

At these meetings Jaglicitch also learned from Klaritch that it is one of the aims of the members of the Narodna Odbrana to induce Austro-Hungarian soldiers to desert their colors, to recruit volunteers (*komitadjis*), and to organize bands, to blow up objects and depots, &c. Klaritch also informed him that even the cipher correspondence between the Servian and Bosnian members is not intrusted to the postal service, but is carried across the border by messengers.

Klaritch further told Jaglicitch that on the occasion of the Prosvjeta celebration (in September, 1912), a Servian major together with the deputation sent to this celebration from Servia lived in the Hotel Europe<sup>2</sup> to which Klaritch led members of the Narodna Odbrana whom he swore in.

From a spy Jaglicitch learned that bombs would reach Serajevo or had already reached it, that these had the appearance of pieces of soap<sup>3</sup> and that two or three pieces would be sent to this spy also or that he would fetch them himself.

#### ENCLOSURE 7.

##### *From confidential reports about the Narodna Odbrana.*

At the head of the Narodna Odbrana are representatives of all political parties, so that the Progressives and the opponents of the conspirators might cooperate. Its real moving spirit is the present Major Pribicevitch. The office of Secretary is always occupied by an officer on furlough.

The Narodna Odbrana seeks to develop in the south Slav portions of Austria-Hungary an effective propaganda in military and civil circles in order thus to prepare a revolution, disturb eventual mobilizations, precipitate panics and revolts, &c.

The organization has several confidential men and emissaries in the Monarchy who carry on a silent man-to-man propaganda. Individuals have special missions, such as, for instance, to enlist persons—wherever possible railroad officials—at important bridge and junction points for the task of carrying out instructions received at the proper moment, or getting them carried out.

<sup>1</sup> Capt. Kosta Todorovitch was then actually Frontier Commissioner and Director of the Servian Customs Service for the border territory from Raca to Ljuboiija.

<sup>2</sup> The Servian Major Mika Jankovitch appeared as a Servian delegate at the Prosvjeta celebration.

<sup>3</sup> The bombs used against Archduke Francis Ferdinand in the assassination at Serajevo and those which were found in the year 1913 in the Save near Broko, originating from the Royal Servian Arsenal at Kragujevac bear a resemblance to pieces of soap.

Communication between the members of the Narodna Odbrana is carried out wherever possible through personal contact.

Chiefly young people, workngmen and railroad men are enrolled as members.

ENCLOSURE 8.

*Some extracts from the documents of the Bosnian-Herzegovinian District Court in Serajevo on the prosecution of Gavrilo Princip and his accomplices for the crime of assassination committed on June 28, 1914, against His Imperial and Royal Highness, the Archduke Francis Ferdinand of Austria-Este, and Her Highness, the Duchess Sophie of Hohenberg.*

I.—THE ACT AND ITS AUTHORS.

Gavrilo Princip, Nedeljko Gabrinovitch, Trifko Grabez, Vaso Cubrilovitch, and Cetro Popovitch confessed that in common with the fugitive Mehemed Mehmedbasitch they formed a conspiracy for the murder of Archduke Francis Ferdinand, and equipped with bombs and Browning pistols, lay in wait for his highness on June 28, 1914, on his trip through Serajevo, with a view to carrying out the attack they had planned.

Nedeljko Gabrinovitch confesses to have been the first among the conspirators to throw a bomb against the carriage of the Archduke, but says that the bomb missed its aim and injured only those seated at the time of the explosion in the carriage following the automobile of the Archduke.

Gavrilo Princip confesses to having fired two shots from a Browning revolver upon the Archduke's automobile, by which the Archduke and the Duchess of Hohenberg were mortally wounded.

Both perpetrators admit murderous intent in the execution of their act.

Full corroboration of these confessions have been furnished by the investigations, and it is established that the late Archduke Francis Ferdinand and the late Duchess Sophie of Hohenberg died of the consequences of the revolver shots fired upon them by Gavrilo Princip.

II.—GENESIS OF THE CONSPIRACY.

The accused, agreeing in essentials, have given the following testimony before the examining judge:

In April, 1914, Princip during his stay in Belgrade, where he associated in the local coffee houses with many Servian students, formed the plan for an attack upon the late Archduke Francis Ferdinand. This intention he discussed with Gabrinovitch, then also in Belgrade, who already was busying himself with the same thought, and who expressed immediate readiness to participate in the attack. The plans for the murderous attempt were frequently discussed among the persons with whom Princip and Gabrinovitch associated, since the Archduke was regarded as the most dangerous enemy of the Servian people.

Princip and Gabrinovitch at the outset proposed that the bombs and weapons necessary for the carrying out of the deed be obtained from the Servian major, Milan Pribicevitch, or from the Narodna Odbrana because they themselves did not have the means to buy them. But inasmuch as Major Pribicevitch and the influential

member of the society named Zivogin Dacitch were at that time away on travels, they decided to try to get the weapons from the former *komitadji*, then an official of the state railway, Milan Ciganovitch, whom they knew.

Princip got in touch with Ciganovitch through an intimate acquaintance of the latter. Ciganovitch thereupon sought out Princip, spoke with him about the plan of attack, which he fully approved, and declared that he would think over the request for weapons. Gabrinovitch also spoke with Ciganovitch about the weapons.

At Easter Princip took into his confidence Trifko Grabez, who was also present in Belgrade at the time, and who, according to his own confession, likewise declared himself ready to cooperate in the attack.

In the following period Princip repeatedly had conversations with Ciganovitch about the carrying out of the attack.

In the meanwhile Ciganovitch had placed himself in communication with the Servian major, Voja Tankositch, an intimate friend of his, about the proposed attack, and Tankositch thereupon placed at his disposal the Browning pistols for this service.

Grabez confesses, in corroboration of the evidence of Princip and of Gabrinovitch, that on May 24th, in company with Ciganovitch, he visited Major Tankositch in the latter's home and at his request. After the introduction Tankositch said to Grabez: "Are you this man? Are you determined?" Whereupon Grabez replied: "I am he." When Tankositch asked, "Do you know how to shoot with a revolver?" Grabez answered in the negative. Tankositch said to Ciganovitch: "I will give you a revolver. Go and teach them how to shoot."

Thereupon Ciganovitch led Princip and Grabez to the army shooting range at Topcider and gave them instructions in shooting with Browning revolvers at targets in a wood near the range. Princip showed himself to be the better marksman. Ciganovitch also familiarized Princip, Grabez, and Gabrinovitch with the use of bombs, which were later turned over to them.

On May 27, 1914, Ciganovitch gave to Princip, Gabrinovitch, and Grabez, according to their joint confession, six bombs, four Browning revolvers, and enough ammunition, as well as a glass tube containing cyanide of potassium so that they might, after carrying out their act, poison themselves with the view of keeping the secret. In addition Ciganovitch gave them money.

As early as Easter, Princip had instructed Danilo Illitch about his plan for the attack. Upon returning to Serajevo he now begged Illitch to enlist several more persons to insure the success of the attack. Thereupon Illitch, according to his confession, enlisted for this Jaso Cubrilovitch, Cetro Popovitch, and Mehemed Mehemed-basitch.

### III.—ORIGIN OF THE BOMBS.

Only one of the bombs was at their disposal at the time of the carrying out of the attack. The remaining five were later found by the police in Serajevo.

These bombs, according to the opinion of experts in court, are Servian hand grenades, manufactured in a factory and destined for military use. They are identical with the twenty-one bombs which in the year 1913 were found in the Save at Brcko and some of which were still in the original package. By this it was shown with certainty that they had come from the Servian arms depot in Kragujevac.

It is established also that the bombs used in the assassination of the Archduke Francis Ferdinand originated from the army depot at Kragujevac.

Grabez of his own accord called the bombs which were handed over to him and his accomplices "Kragujevac bombs."

#### IV.—TRANSPORT OF THE THREE ASSASSINS AND THE WEAPONS FROM SERVIA TO BOSNIA.

The following testimony was given by Princip:

Ciganovitch told Gabrinovitch, Grabez and Princip to take their journey over Sabac and Loznica to Tuzla, and there turn to Misko Jovanovitch, who would take charge of the weapons. They should next go to Sabac, and there report to the border captain, Major Rade Popovitch, for whom he gave them a note, which Princip carried. The three left Belgrade with their weapons on May 28th. In Sabac, Princip delivered the note which he had received from Ciganovitch to Major Popovitch, who thereupon led all three to the commander's station (Kommando) and filled out a permit, in which it was certified that one of them was a revenue guard and the two others were his comrades. The permit also contained the name of this alleged revenue guard; but he had forgotten the name. At the same time Major Popovitch handed them a sealed letter for a border captain in Loznica, whose name was Pravanovitch, Prdanovitch, or Predojevitch.

The next night Princip, Gabrinovitch, and Grabez spent in Sabac and went on the next day by train to Loznica, at half fare, on the strength of the permit that had been filled out for them by Major Popovitch. At noon they arrived in Loznica and handed to the local border captain Major Popovitch's letter in which was written: "See that you receive these people and conduct them through to you know where." The captain said that he would call his revenue guards from the border and intrust the three to the most reliable man. Thereupon he telephoned, and ordered the three accomplices to report at his office at 7 o'clock the next morning.

On the next morning the three conspirators agreed that Gabrinovitch, with the pass of Grabez, should openly take the road to Zvornik, but that Princip and Grabez should cross the border secretly. This plan was discussed with the border captain and it was hereby agreed that a revenue guard from Ljesnica, named Grbitch, should take Princip and Grabez in his *karaula* and conduct them across the line. Gabrinovitch went on foot to Banja Koviljaca, in the direction of Zvornik. Princip and Grabez rode with the revenue guard, Grbitch, to Ljesnica, where they deposited the bombs and the revolvers in a hotel room. Here the revenue guard Grbitch saw these objects. Princip himself characterized the journey as "mysterious."

The testimony of Grabez agreed with that of Princip on the essential points and he added by way of supplement that Grbitch laughed when he saw the bombs and revolvers and only asked whither in Bosnia they were going with these bombs. The revenue guard certainly thought Grabez and Princip had a mission.

Grbitch and a second revenue guard brought Princip and Grabez in a rowboat to an island in the Drina. There Grbitch instructed them to wait for a peasant who would fetch them. They spent the night on the island in a peasant's cottage to which Grbitch had directed them. On the next day a peasant took them during the night, first through a swamp and then across the hills to the neighborhood of Priboj,

where he turned them over to the local teacher, Cubrilovitch, who seemed to have been waiting for them. The latter then took them to Tuzla, to Misko Jovanovitch.

Gabrinovitch testified concerning the happenings on the trip up to the moment in which he separated from Princip and Grabez in a manner that corroborated the essentials of what they had said, and added that Major Popovitch had told them he had come from Belgrade only on the day before their arrival in Sabac.

In Loznica, Gabrinovitch, Princip, and Grabez decided to separate, since it would be dangerous for them to go together. The border captain in Loznica, whom they informed of this, expressed his approval of their plan and gave Gabrinovitch a letter for the teacher, M. Jaklojevitch, in Mali-Zvornik. Gabrinovitch thereupon turned over the bombs which he had carried, the Browning and ammunition, to Princip and Grabez, and in company with a revenue guard, who had been given to him as escort, went to Mali-Zvornik.

There he found the teacher, Jaklojevitch, to whom he handed the letter of the border captain of Loznica. The latter advised the Servian guard. When Gabrinovitch later reached this frontier guard with the teacher there was waiting there for them a man who brought them in a rowboat across the Drina to Greater Zvornik in Bosnia.

From there Gabrinovitch went to Tuzla to Misko Jovanovitch.

Cubrilovitch, the teacher, who undertook to guide Princip and Grabez at Priboj, has made a complete confession, from which the following important points are summarized:

In 1911 Cubrilovitch, as a result of a Sokol excursion to Sabac, was made a member of the Narodna Odbrana through Bozo Fovitch, a member of the Board of Directors, and then made Commissioner of the Narodna Odbrana in Zvornik (Bosnia). On his invitation Misko Johanovitch was later made Commissioner of the Narodna Odbrana for Tuzla.

A peasant acted as go-between in the dealings with Narodna Odbrana, the same peasant who brought Princip and Grabez to Cubrilovitch with the news that he was bringing two armed Servian students with him. When he learned this he said that he knew this was a "message" of the Narodna Odbrana. Princip and Grabez told him that they had bombs and revolvers for an attempt on the life of Archduke Francis Ferdinand.

#### SUPPLEMENT.

Just before the close of this memoir, a sworn statement is produced by the District Court in Serajevo, from which it appears that a subject of the monarchy some days before the 28th of June of this year wished to notify the Imperial and Royal Consulate in Belgrade that a murderous attack had been planned against Archduke Francis Ferdinand during his stay in Bosnia. This witness, it is said, was prevented from giving this information by the Belgrade police, who, on a trivial pretext, arrested him before he could enter the Imperial and Royal Consulate. The sworn testimony and the cross-examination indicate that the Servian police officials had knowledge of the attack that was planned and only arrested this man to prevent him from furnishing the information.

Inasmuch as these statements have not yet been investigated, no judgment can yet be given as to their ability to stand the test. In consideration of the importance



attaching to this, the further details of this testimony can at the present time not be divulged.

## ENCLOSURE 9.

*The Servian press on the assassination.*

(a) The Belgrade newspaper *Balkan* on June 29th wrote concerning the two assassinations:

"Nedeljko Gabrinovitch, a typesetter, was imbued with anarchistic ideas and known as a restless spirit. Up to twenty days ago he lived in Belgrade, where he had gone after the war and found employment in the state printing plant. Before he left he said he was going to Trieste, where he expected to obtain work in a new printing plant. Gavriilo Princip also sojourned until recently in Belgrade. In the course of the war he volunteered for army service, but was not accepted; so he left Belgrade. But he returned to Belgrade on Christmas of the preceding year, attended the gymnasium for a while, and departed from Belgrade at about the same time as Gabrinovitch, but by a different route. Princip was silent, nervous, a good scholar, and associated with several fellow-students who likewise came from Bosnia and Herzegovina, and in later times with Gabrinovitch. He inclined toward socialist ideas, although he originally belonged to the Progressive youth. Princip as well as Gabrinovitch had grown up in Serajevo; both had been united in inseparable friendship since their childhood."

(b) It is pointed out in the *Piémont* of July 1st that the loud protest of the assailant Zerajitch was followed by the protest of Princip. The work of the latter could likewise be explained by reason of the Bosnian Government system. The fact that Princip carried out his act of vengeance on the sacred national holiday of Vidovdan (St. Vitus Day), the day fixed for the carrying on of manœuvres, makes the desperate deed of the young martyr appear more intelligible and natural.

(The paper was confiscated by the police because of this article, but the confiscation was annulled on the following day by the Belgrade Court of First Resort.)

(c) The Young Radical paper, *Odjek*, of July 3d says: "Archduke Francis Ferdinand was sent to Serajevo on the day of national enthusiasm to celebrate a brutal manifestation of power and subjection. This brutal act was bound to evoke brutal feeling of resistance, of hatred, and of revenge."

(d) The National Party organ, *Srpska Zastava*, says in an article of July 3d, headed "Suspicious and Threats": "The assassination appears even more and more the result of unhealthy conditions in the Monarchy. On the other hand, the savage persecution of the Serb people in Bosnia and Herzegovina excites the horror of the whole civilized world."

(e) The Progressive paper, *Pravda*, of July 3d writes: "The Vienna policy is cynical. It is exploiting the death of the unfortunate couple for its repulsive purposes against the Servian people."

(f) The *Agence des Balkans* of July 3d reports: "The crimes practiced in Bosnia and Herzegovina against the Serbs have been carried out under the auspices and direct incitation of the Austro-Hungarian civil and military authorities."

(g) The *Pravda* of July 4th says: "All murders and attacks heretofore committed in Austria have had one and the same origin. The oppressed peoples of the Monarchy were obliged to resort to this kind of protest, because no other way was open to them."

In the chaos of a reign of terror it is natural and understandable that the era of murderous attacks should become popular."

(h) The *Balkan* of July 5th remarks that Austria-Hungary, "because of its persecution of the innocent, must be put under international control," since Austria-Hungary was less consolidated than Turkey.

(i) The *Mali Journal* of July 7th says: "A scion of the Middle Ages was murdered in Serajevo a few days ago. He was murdered by a boy who felt the suffering of his enslaved fatherland to the point of paroxysms of emotion—the suffering which the despoilers of the lands of his fathers had inflicted upon it. What has official Austria-Hungary done thereafter? It has replied with general massacres, plunderings, and destruction of Serb life and property. By such exploits only those who are worthless distinguish themselves. The cowards are always great heroes when they are certain that nothing will happen to them. Only compare Princip and Gabrinovitch with these heroes, and the great difference will be noted at once. Civilization and justice in Austria-Hungary are a great, gross falsehood."

(j) The *Tribuna* of July 7th says: "We are of the opinion that the murderous deed of Serajevo was ordered to the end that the extermination of the Serbs might be accomplished with one blow."

(k) The *Piémont* of July 8th reports from Bajina Baschka that the Austrian authorities in Bosnia were preparing a massacre of the "Christians."

(l) The *Balkan* of the 8th publishes a report from Bosnia, under the heading "St. Bartholomew's Night in Serajevo," and advocates a general boycott of all Austrians resident in Servia.

(m) The *Mali Journal* of the 8th demands a boycott against the Danube Steamship Company.

(n) Under the caption "Nothing from Austria-Hungary!" the *Tribuna* of the 8th writes that it is best to buy no goods originating in Austria-Hungary, not to visit the Austrian and Hungarian baths, and not to call any physicians from Austria-Hungary. Private initiative, it says, could accomplish much in the direction indicated. The state and the authorities would not have to take action. It would be enough to appeal to the citizens.

(o) It is stated in the *Stampa* of the 8th that the police at Serajevo were subjecting the arrested assailants to the most shameless and inhuman torture in order to force confessions from them, to be used as the basis for an indictment of the Servian people.

(q) Commenting upon the statement by Premier Asquith, upon being informed of the death of the Archduke Francis Ferdinand, that he despaired for humanity, the *Balkan* on July 9 published a historical survey of the events of the last forty years, from which it concludes that the Servian people in that period were subjected to the terrible tortures of the Jesuit policy of Austria-Hungary. Finally Archduke Francis Ferdinand, like all sons of Loyola who only work in the blood of human beings and believe in the principle that "the end justifies the means," was inexorably overtaken by fate and fell a victim to Jesuitism, even as entire Austria-Hungary will. But by the fall of Austria-Hungary humanity shall obtain peace and freedom. When one recapitulates all these truths, one must reach the conclusion that Asquith could with calm spirit have met the announcement of the death with the words, "I no longer despair for humanity."

(r) In a leading article the *Politika* of July 9th says, under the caption "Shameless Lie": "The manner and fashion in which the investigation of the Serajevo attack is being conducted point openly to the ends which Austria is pursuing. Since the assailants, despite all the torments inflicted upon them, refuse to state what is demanded of them, other individuals have been discovered, with difficulty, who declared themselves ready, under certain conditions, to confess to a certain complicity in the attack, but at the same time to accuse all those who are inconvenient for Austria. This method for the time being has succeeded, for the hired individuals show a willingness to say anything that one wants of them, and the Austrian police take care that these lies are at once circulated broadcast. Austria has no shame, and it believes that some one will be found who will believe such lies."

(s) The *Stampa* of the 9th says that not everything that has occurred in Bosnia and Herzegovina has yet been uncovered and brought out to publicity. Much, it says, is being concealed. But truth will sooner or later come to the surface for all that. Bloodthirsty Austria simply wants to sate herself now with Servian blood, and is doing it. It is reported that there are to-day about 10,000 dead and wounded in Bosnia.

(t) The *Politika* of July 10th hurls unmeasured insults at members of the Imperial House.

(u) The *Trgovinski Glasnik* of July 10th speaks of the corruptness and unscrupulousness of the Austro-Hungarian policy, which it calls "Jesuitical, ruthless, and dishonorable." It ought to convince the Serb people in Austria-Hungary that they do not dwell in a civilized state which guarantees life and property, but that they must ever be armed and ready to defend themselves against robbery by the authorities and the government. After the latest events, the Servian people must no longer wait like a lamb that might be slaughtered any day, but like a lion ready for bloody defence.

(v) The *Stampa* of July 10th says: "Nothing is eternal, and Austria-Hungary will not remain forever in Bosnia and Herzegovina. The time is not distant when the Serbs, who broke the power of the Turks and punished the Bulgarians, will range over the Ivan Planina on the Trebevitch."

(w) Under the title "Boycott Against the Worthless," the *Pravda* of July 10th demands a boycott of Austro-Hungarian firms in Belgrade as well as of Austro-Hungarian wares, and says that it is the duty of the Narodna Odrbrana to promote the strictest execution of the boycott.

(x) The *Zvono* of July 16th declares Princip a son of Countess Lonyay, to whom the task was allotted to avenge the death of the Crown Prince Rudolf on his murderer, the Archduke Francis Ferdinand.

(y) In the *Mali Journal* of July 19th occurs the following: "Princip was instigated to the attack by an Austro-Hungarian agent. In Vienna it is said that the really guilty person could be found only in the Austro-Hungarian Embassy at Belgrade."

(z) The leading Young Radical paper, *Odjek*, of July 20th writes: "Austria-Hungary indicates by a hundred signs that it wishes to inherit the title of the 'Sick Man of Europe.' While in Servia not a single Austro-Hungarian citizen was molested, villages and cities were plundered in Bosnia and Herzegovina. This fact shows afresh how much higher Servia stands, morally and culturally, than Austria-Hungary."

## ENCLOSURE 10.

*The Committee of the Narodna Odbrana at Nish on the crime against Archduke Francis Ferdinand.*

To the Austro-Hungarian Ministry of Foreign Affairs has come from a trustworthy informant, whose name can be given if necessary, reliable information that the Committee of the Narodna Odbrana recently held a session at Nish, in which its Chairman, the Director of the Nish House of Correction, Jasa Nenadovitch, spoke of the assassination of Archduke Francis Ferdinand, and told the following:

Servia was compelled absolutely to avail herself of some means like the attack on Archduke Francis Ferdinand, since the latter, on account of his aggressive and eccentric character, was a formidable danger to Servia and, possibly, to other Slavic groups. Had he remained alive, he would soon have challenged Servia to war or attacked that country, in which case Servia, which is now so materially weakened and which has not finished organizing its army, would unquestionably have been hopelessly beaten. But as matters stand, Servia has been saved by the Serajevo murder and, moreover, one of the men dangerous to Servia has been removed. Servia will now have quiet for some years, since the new Heir Apparent will certainly think twice before he follows in the footsteps of his predecessor.

The speaker was aware, he continued, that the murder of the Archduke would be a severe blow and a bitter sorrow to Austria-Hungary, and that it would cause the Serbs living there to be persecuted, but he did not think his suppositions would be so completely justified by events as they had been, and that the Croatsians would rise to the requirements of the moment as they had risen. He said that his friends in Bosnia and Herzegovina had assured him that the Austro-Hungarian officials were timid and would not go too far, but that these friends had been deceived and that we had been deceived through them; that if things continued thus, revolvers and bombs had yet to play their real parts, and whatever the Servian God might ordain, things could not continue in this way.

The statements of the speaker found complete support from those who heard him.

## ENCLOSURE 11.

*Anti-Austro-Hungarian Paintings in the Ministry of War at Belgrade.*

Before the reception hall of the Servian Ministry of War there are on the wall four allegorical paintings, of which three are representations of Servian victories, while the fourth pictures the realization of Servia's anti-Austrian aspirations.

Over a landscape, part mountain (Bosnia), and part plain (Southern Hungary), there is shown the "zora," or dawning of Servian hopes. In the foreground is an armed woman upon whose shield are the names of all the provinces "yet to be freed"—Bosnia, Herzegovina, Vojvodina, Syrmia, Dalmatia, &c.

## No. 20.

*Count Berchtold to Baron Macchio, Councilor Austro-Hungarian Ministry of Foreign Affairs.*

[Telegram.]

LAMBACH, *July 25, 1914.*

The Russian Chargé d'Affaires has informed me by telegraph that his government has urgently instructed him to demand an extension of the time-limit in the ultimatum to Servia. I request you to reply to him in my behalf, that we cannot consent to an extension of the time-limit. You will please add that, even after the breaking off of diplomatic relations, Servia will be in a position to bring about an amicable settlement by an unconditional acceptance of our demands. In such case, however, we would be compelled to demand from Servia an indemnification for all costs and damages caused to us by our military measures.

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No. 21.

*Count Berchtold to Count Szápáry, St. Petersburg.*

[Telegram.]

BAD ISCHL, *July 25, 1914.*

For your personal information and guidance:

The Russian Chargé d'Affaires called on Baron Macchio this forenoon and requested in his government's behalf that the time-limit stipulated in our note to Servia be extended.

This request he based upon the ground that our move had taken the Powers by surprise and that the Russian Government would consider it a matter of due consideration on the part of the Vienna Cabinet toward the other cabinets, if the latter should be given an opportunity to examine the merits of our communication to the Powers and to study the promised dossier. Baron Macchio replied to the Chargé d'Affaires that he would advise me at once of his request, but he could already venture to say that there is no probability of a prolongation of the stipulated time-limit being conceded by us.

As to the explanations given by the Russian Government in substantiation of its request, they appear to be based upon an erroneous conception of the premises. Our note to the Powers was by no means

meant as an invitation to them to inform us of their views on this matter, but simply to convey information as a matter of international courtesy. Besides, we hold that our action concerns solely ourselves and Servia, and that this action, despite the patience and leniency which we have displayed for many years, had been forced upon us by the developments of a situation which compelled us to defend our most vital interests.

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## No. 22.

*Baron von Giesl to Count Berchtold.*

[Telegram.]

BELGRADE, *July 25, 1914.*

The Cabinet met in council last night and this morning. According to various reports the reply to our note will be handed to me before the expiration of the stipulated time. I hear that the court train is being made ready for use; that the money of the National Bank and of the railroad as well as the archives of the Foreign Office are being removed to the interior of the country. Several of my colleagues are of the opinion that they must follow the government, especially so the Russian legation, where packing is proceeding.

The garrison has left town in field equipment. The ammunition has been removed from the fortress. There is a considerable movement of troops at the railway station. Sanitary convoys have left Belgrade in a southerly direction. According to the instructions which I have meanwhile received, we shall leave Belgrade by train at 6.30 o'clock if diplomatic relations are broken off.

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## No. 23.

*Baron von Giesl to Count Berchtold.*

[Telegram.]

SEMLIN, *July 25, 1914.*

General mobilization has been ordered in Servia at 3 P. M.

## No. 24.

*Baron von Giesl to Count Berchtold.*

[Telegram.]

SEMLIN, July 25, 1914.

The reply of the Royal Servian Government to our demands of the 23rd instant being inadequate, I have broken off diplomatic relations with Servia and have left Belgrade with the staff of the legation.

The reply was handed to me at 5.58 P. M.

## No. 25.

*Note of the Royal Servian Government, Dated July 12/25, 1914.*

The Royal Servian Government has received the communication of the Imperial and Royal Government of the 10th instant, and is convinced that its reply will remove any misunderstanding which may threaten to impair the good neighborly relations between the Austro-Hungarian Monarchy and the Kingdom of Servia.

Conscious of the fact that the protests which were made both from the tribune of the national Skuptchina and in the declarations and actions of the responsible representatives of the state—protests which were discontinued as a result of the declarations made by the Servian Government on the 18th March, 1909—have not been renewed on any occasion as regards the great neighboring monarchy, and that no attempt has been made since that time, either by the successive Royal Governments or by their organs, to change the political and legal status created in Bosnia and Herzegovina, the Royal Government calls attention to the fact that in this connection the Imperial and Royal Government has made no representation, except one concerning a school book, when the Imperial and Royal Government received an entirely satisfactory explanation. Servia in numerous instances has given proofs of her pacific and moderate policy during the Balkan crisis, and it is due to Servia and to the sacrifice that she has made in the exclusive interest of European peace that the same has been preserved. The Royal Government cannot be held responsible for manifestations of a private character, such as articles in the press and the peaceable work of societies—manifestations which take place in nearly all countries in the

ordinary course of events, and which as a general rule are beyond official control. The Royal Government is all the less responsible, in view of the fact that at the time of the solution of a series of questions which arose between Serbia and Austria-Hungary it showed much consideration and thus succeeded in settling most of these questions to the mutual advantage of the two neighboring countries.

For these reasons the Royal Government has been painfully surprised at the allegations that citizens of the Kingdom of Serbia have participated in the preparations for the crime committed at Serajevo; the Royal Government had expected to be invited to collaborate in an investigation of all that concerns this crime, and it stood ready, in order to prove the entire correctness of its attitude, to take measures against any persons concerning whom representations might be made to it.

Complying with the desire of the Imperial and Royal Government, it is prepared to commit for trial any Servian subject, regardless of his station or rank, of whose complicity in the crime of Serajevo proofs shall be produced, and more especially it undertakes to publish on the first page of the *Journal Officiel*, on the date of the 13th/26th July, the following declaration:

The Royal Government of Serbia condemns the propaganda directed against Austria-Hungary, and in general all the tendencies which aim at the ultimate detachment from the Austro-Hungarian Monarchy of territories belonging to it, and it sincerely deplores the fatal consequences of these criminal activities.

The Royal Government regrets that Servian officers and functionaries have participated, according to the communication of the Imperial and Royal Government, in the above-mentioned propaganda and thus compromised the good neighborly relations to which the Royal Government was solemnly pledged by its declaration of the 31st of March, 1909.

The Royal Government, which disapproves and repudiates all idea of interfering or attempting to interfere with the destinies of the inhabitants of any part whatsoever of Austria-Hungary, considers it its duty formally to warn officers and functionaries, and the whole population of the kingdom, that henceforth it will proceed with the utmost rigor against persons who may be guilty of such machinations, which it will use all its efforts to prevent and suppress.

This declaration will be brought to the knowledge of the Royal Army in an order of the day, in the name of his Majesty the King, by his Royal Highness the Crown Prince Alexander, and will be published in the next official army bulletin.

The Royal Government further undertakes:

1. To insert, at the first ordinary convocation of the Skuptchina, a



provision into the press law for the most severe punishment of incitement to hatred and contempt of the Austro-Hungarian Monarchy, and for taking action against any publication the general tendency of which is directed against the territorial integrity of Austria-Hungary. The government engages, at the impending revision of the Constitution, to add to Article 22 of the Constitution an amendment permitting that such publications be confiscated, a proceeding at present impossible according to the clear provisions of Article 22 of the Constitution.

2. The government possesses no proof, nor does the note of the Imperial and Royal Government furnish it with any, that the Narodna Odbrana and other similar societies have committed up to the present any criminal act of this nature through the proceedings of any of their members. Nevertheless, the Royal Government will accept the demands of the Imperial and Royal Government and will dissolve the Narodna Odbrana Society and every other association which may be directing its efforts against Austria-Hungary.

3. The Royal Servian Government undertakes to remove without delay from the system of public instruction in Servia all that serves or could serve to foment propaganda against Austria-Hungary, whenever the Imperial and Royal Government shall furnish it with facts and proofs of such a propaganda.

4. The Royal Government also agrees to remove from the military and the civil service all such persons as the judicial inquiry may have proved to be guilty of acts directed against the territorial integrity of the Austro-Hungarian Monarchy, and it expects the Imperial and Royal Government to communicate to it at a later date the names and the acts of these officers and officials for the purposes of the proceedings which are to be taken against them.

5. The Royal Government must confess that it does not clearly understand the meaning or the scope of the demand made by the Imperial and Royal Government that Servia shall undertake to accept the collaboration of officials of the Imperial and Royal Government upon Servian territory, but it declares that it will admit such collaboration as agrees with the principle of international law, with criminal procedure, and with good neighborly relations.

6. It goes without saying that the Royal Government considers it a duty to begin an inquiry against all such persons as are, or eventually may be, implicated in the plot of the 15/28 June, and who may happen to be within the territory of the kingdom. As regards the participation

in this inquiry of Austro-Hungarian agents or authorities appointed for this purpose by the Imperial and Royal Government, the Royal Government cannot accept such an arrangement, as it would constitute a violation of the Constitution and of the law of criminal procedure; nevertheless, in concrete cases communications as to the results of the investigation in question might be given to the Austro-Hungarian agents.

7. The Royal Government proceeded, on the very evening of the delivery of the note, to arrest Commandant Voja Tankositch. As regards Milan Ciganovitch, who is a subject of the Austro-Hungarian Monarchy and who up to the 15th June was employed (on probation) by the directorate of railways, it has not yet been possible to arrest him.

The Austro-Hungarian Government is requested to be so good as to supply as soon as possible, in the customary form, the presumptive evidence of guilt as well as the possible proofs of guilt which have been collected up to the present time, at the inquiry at Serajevo, for the purposes of the Servian inquiry.

8. The Servian Government will reinforce and extend the measures which have been taken for suppressing the illicit traffic in arms and explosives across the frontier. It goes without saying that the Servian Government will immediately order an inquiry and will severely punish the frontier officials on the Schabatz-Loznitza line who have failed in their duty and allowed the authors of the crime of Serajevo to pass.

9. The Royal Government will gladly furnish explanations of the remarks made by its officials, whether in Servia or abroad, in interviews after the crime, and which, according to the statement of the Imperial and Royal Government, were hostile to the monarchy, as soon as the Imperial and Royal Government shall have communicated to it the passages in question in these remarks, and as soon as it shall have shown that the remarks were actually made by the said officials, in connection with which the Royal Government itself will take steps to collect evidence.

10. The Royal Government will inform the Imperial and Royal Government of the execution of the measures comprised under the above heads, in so far as this has not already been done by the present note, as soon as each measure shall have been ordered and carried out.

If the Imperial and Royal Government is not satisfied with this reply the Servian Government, considering that it is not to the common interest to take precipitate action in the solution of this question, is

ready, as always, to accept a pacific understanding, either by referring this question to the decision of the international tribunal at The Hague, or to the great Powers which took part in the drawing up of the declaration made by the Servian Government on the 18/31 March, 1909.

Belgrade, *July 12/25, 1914.*

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No. 26.

*Count Berchtold to Count Szápáry, St. Petersburg.*

VIENNA, *July 25, 1914.*

In resolving to proceed firmly against Servia, we are fully aware that a conflict with Russia may result from the existing Servian differences. Yet, in determining our attitude toward Servia, we could not allow ourselves to be influenced by this possibility, because fundamental considerations of our home policy have forced us to put an end to a situation which enables Servia, under Russia's promise of immunity, to threaten this empire constantly and to do so unpunished and unpunishable.

In case Russia should consider that the moment for an accounting with the Central European Powers has come, and therefore *a priori* be resolved to make war, the following instructions would appear to be useless.

Nevertheless, it is still conceivable that Russia might reconsider her attitude and not permit herself to be carried away by the warlike element, in case Servia should refuse to comply with our demands and we should be compelled, in consequence, to resort to force.

The following is designed for the latter emergency and it is left to your discretion to make proper use of it at the right time and in a suitable manner in your conference with M. Sazonow and the Prime Minister.

I presume that under the present circumstances you are in close touch with your German colleague, who has surely been instructed by his government not to allow the Russian Government any room for doubt that Austria-Hungary would not stand alone in the event of a conflict with Russia.

I have no doubt that it will not be an easy task to bring Sazonow to a true appreciation of our action at Belgrade, which has been forced upon us.

But there is one point which cannot fail to impress the Russian

Foreign Minister, namely, an emphatic statement by you to the effect that Austria-Hungary, in conformity with her established principle of disinterestedness, is guided by no selfish motive in the present crisis, although the situation has culminated in warlike action.

The monarchy is sated with territory and has no desire for Servian lands. If war with Servia be forced upon us, it will be for us not a war of conquest, but of self-defence and self-preservation.

The contents of the circular note, which in itself is sufficiently comprehensive, may be placed in a still more convincing light by a study of the dossier referring to the Servian propaganda against the Dual Monarchy and the relation between this propaganda and the crime of June the 28th.

You will therefore call the Russian Foreign Minister's special attention to this dossier and point out to him that there is no precedent of a great Power tolerating so long and with such unexampled forbearance the seditious agitations of a small neighbor.

We had no wish to adopt a policy adverse to the free development of the Christian Balkan states, and therefore we have permitted Servia to almost double her territory since the annexation crisis of 1908, although we knew how little Servian promises are worth.

Since then the subversive movement fostered against the monarchy in Servia has become so excessive, that Austria-Hungary's vital interests and even her dynasty are seriously menaced by Servia's underground activities.

We must presume that conservative and dynastic Russia will not only understand our energetic action against such a menace to public order, but will even regard it as imperative.

On reaching this point in your conversation with M. Sazonow it will be necessary to state, in addition to your explanation of our motives and intentions, that, although we have no ambitions for territorial expansion and do not intend to infringe upon the integrity of Servia, as you already have pointed out, still we are determined to go to any length to ensure the acceptance of our demands.

The course of the last forty years, as well as the historical fact that our gracious sovereign has acquired the glorious name of "Guardian of the Peace," attest that we have always held peace to be the most sacred blessing of the people, and that, in so far as it depended on us, we have endeavored to maintain it.

We would all the more regret a disturbance of the peace of Europe,

because of our conviction that the evolution of the Balkan states toward national and political independence could only improve our relations with Russia, eliminating all possibilities of a clash of interests with that empire, and because in framing our own policy we always have been disposed to respect the important political interests of Russia.

To tolerate the Servian machinations any longer, however, would undermine our national existence and our standing as a great Power, and would, therefore, imperil the European balance of power—an equilibrium the maintenance of which, we are convinced, the peace-loving statesmen of Russia regard as essential to their own interests. Our action against Serbia, whatever form it may take, is altogether conservative and has no object except the necessary maintenance of our position in Europe.

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No. 27.

*Count Berchtold to Count Szápáry, St. Petersburg.*

[Telegram.]

VIENNA, July 25, 1914.

As clause 5 of our demands, which concerns the co-operation of Austro-Hungarian officials in the suppression of the subversive agitation in Servia, has called forth M. Sazonow's particular objection, you are instructed to give him the strictly confidential information that the insertion of this clause is due to merely practical considerations and is not intended as an infringement on Servia's sovereignty. The "collaboration" mentioned in clause 5 refers to the creation in Belgrade of a secret *bureau de sureté* which would work like the similar Russian institution in Paris and would co-operate with the Servian police and administration.

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No. 28.

*Count Szápáry to Count Berchtold.*

[Telegram.]

ST. PETERSBURG, July 26, 1914.

Reports concerning Russian mobilization have caused Count Pourtalés to call the Russian Minister's earnest attention to the fact that

an attempt to exert diplomatic pressure by means of mobilization is extremely dangerous at this juncture. In such an event the military considerations of the General Staff will be supreme and the situation will become irrevocable once "the button had been pressed" by the Chief of Staff in Germany. M. Sazonow gave the German Ambassador his word of honor that the reports of a mobilization were unfounded, that for the present not one horse had been levied, not one reservist called, and that merely preparatory measures were being taken in the military districts of Kieff and Odessa, and possibly of Kazan and Moscow.

Immediately afterwards a courier delivered to the German Military Attaché a request to call on the Minister of War. Suchomlinow, referring to Count Pourtalés's conversation with the Minister of Foreign Affairs on the subject of Russian military preparations, stated that, as the Ambassador might possibly have misunderstood some details pertaining to military questions, he would be prepared to give the Military Attaché fuller information. Major von Eggeling's report was summarized in the following telegram which Count Pourtalés sent to Berlin and placed at my disposal:

Military Attaché reports on conversation with Russian Minister of War:

M. Sazonow has requested him to enlighten me concerning military situation. Minister of War gave me his word of honor that no order whatever had as yet been issued for mobilization. For the present merely preparatory measures were being taken, no horse levied, no reservist called. In case Austria-Hungary were to cross Servian boundary, the military districts adjoining Austria (Kieff, Odessa, Moscow, Kazan) would be mobilized. Under no circumstances would mobilization extend to districts of Warsaw, Vilna and St. Petersburg, bordering on Germany. Peace with Germany is earnestly desired. In answer to my question as to object of mobilization against Austria-Hungary, War Minister shrugged his shoulders and hinted at diplomatic influences. I pointed out to War Minister that we should appreciate friendly disposition but consider mobilization against Austria-Hungary alone as decidedly threatening. War Minister repeatedly and insistently laid stress on absolute necessity and desire for peace.

## No. 29.

*Count Berchtold to Count Mensdorff, London.*

[Telegram.]

VIENNA, *July 26, 1914.*

M. von Tschirschky informed me to-day under instructions that, according to a telegram sent from London on the 25th instant, at 3 p. m., by Prince Lichnowsky, Sir Edward Grey had forwarded the latter a draft of Servia's reply together with a personal letter expressing the hope that, in view of the conciliatory tenor of the reply, the Berlin Cabinet would recommend its acceptance in Vienna.

I consider it advisable that you should revert to this matter and call the Foreign Secretary's attention to the fact that, almost of the time when he sent his note to Prince Lichnowsky, i. e., yesterday at 3 p. m., Servia had already ordered a general mobilization; this goes to prove that there was no inclination in Belgrade for a peaceful settlement. The unsatisfactory reply, which, it appears, had previously been wired to London, was not handed to the Imperial and Royal Minister in Belgrade until 6 p. m., after the mobilization order had been issued.

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No. 30.

*Count Berchtold to the Imperial and Royal Ambassadors in Berlin, Rome, London, Paris and St. Petersburg.*

[Telegram.]

VIENNA, *July 26, 1914.*

Servia having rejected our demands, we have broken off diplomatic relation with that country.

You are instructed to call immediately on the Foreign Secretary or his representative and frame your statement as follows:

The Royal Servian Government has refused to comply with the demands which we had been compelled to make upon it in order to permanently safeguard our most vital interests, which Servia is menacing. In so doing Servia had manifested her unwillingness to abandon her subversive tactics, which are directed at fomenting disturbances in some of our border territories with a view to their eventual separation from the Dual Monarchy. To our regret, and much against our wish, we have

been placed under the necessity of employing the severest measures to compel Serbia to modify radically her hitherto hostile attitude toward us.

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No. 31.

*Count Szápáry to Count Berchtold.*

[Telegram.]

ST. PETERSBURG, *July 27, 1914.*

I have just had a long conversation with M. Sazonow. I told the Minister I was under the impression that the nature of our action had been misunderstood in Russia. We were suspected of contemplating an attack upon the Balkans, and of intending to march upon Saloniki or possibly even upon Constantinople. Others go so far as to describe our action as the beginning of a preventive war against Russia. I declared all this to be erroneous and in a sense absurd. The purpose of our action is merely self-preservation and self-defence against a hostile propaganda threatening the integrity of the monarchy, carried on by word, writing and deed. No one in Austria-Hungary would think of threatening Russian interests or picking a quarrel with Russia.

We were, however, resolved to reach the goal which we had in view, and the road which we had chosen seemed to us the most effective. As we had embarked upon an action of self-defence, I emphasized the fact that we could not allow ourselves to be diverted by any consequences whatsoever.

M. Sazonow agreed with me in principle. He recognized our aim as a perfectly legitimate one, but expressed the opinion that the method we had selected for its attainment was not happy in its form. He had studied the note since its presentation, he observed, and would like to peruse it once more with me, if I had time to do so.

I responded that I was at his disposal, but was neither authorized to discuss the wording of the note nor to give an interpretation of it. His remarks, however, would be of greatest interest. The Minister then analyzed all the points of our note and this time found that seven of the ten clauses were, on the whole, acceptable. He took exception only to the two clauses dealing with the co-operation of Austria Hungarian officials in Serbia and to the clause concerning the dismissal



of officers and officials to be designated by us. Those clauses he qualified as unacceptable in their present form. With reference to the two first clauses, I found myself in a position to give an authentic interpretation in the sense of your telegram of the 25th instant. The third clause I qualified as a necessary demand. In any case events had been set in motion. The Servians had mobilized as early as yesterday, and I was ignorant of what had happened since.

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## No. 32.

*Count Berchtold to Count Szápáry, St. Petersburg.*

[Telegram.]

VIENNA, July 27, 1914.

I authorize you to tell M. Sazonow that Austria-Hungary has no intention whatever to make any territorial conquests, as long as the war remains localized between Austria-Hungary and Servia.

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## No. 33.

*Count Szögyény to Count Berchtold.*

[Telegram.]

BERLIN, July 27, 1914.

M. Sazonow declared to the German Ambassador that he could "guarantee that no mobilization had been effected by Russia. Certain essential military precautions had been taken, however."

German Military Attaché in St. Petersburg reports that "the Russian Minister of War had given him his word of honor that not one man or horse had been mobilized; yet certain military precautions had, of course, been taken"; precautions which, however, are "fairly extensive," in the personal opinion of the Military Attaché, expressed in his report.

## No. 34.

*Count Berchtold to the Imperial and Royal Ambassadors in Berlin, Rome, London, Paris and St. Petersburg.*

VIENNA, July 27, 1914.

You will receive herewith the text of the note which was handed to the Imperial and Royal Minister in Servia on July the 25th by the Royal Servian Government, and our comments thereon.

## ENCLOSURE.

NOTE OF THE ROYAL SERVIAN GOVERNMENT TO THE IMPERIAL AND ROYAL AUSTRO-HUNGARIAN GOVERNMENT, DATED 12/25TH JULY, 1914, AND COMMENTS THEREON.

*Servian Reply to Austrian Government.**Comments of the Austro-Hungarian Government.*

The Royal Servian Government has received the communication of the Imperial and Royal Government of the 10th instant, and is convinced that its reply will remove any misunderstanding which may threaten to impair the good neighborly relations between the Austro-Hungarian Monarchy and the Kingdom of Servia.

Conscious of the fact that the protests which were made both from the tribune of the national Skuptchina and in the declarations and actions of the responsible representatives of the state—protests which were discontinued as a result of the declarations made by the Servian Government on the 18th March, 1909—have not been renewed on any occasion as regards the great neighboring monarchy, and that no attempt has been made since that time, either by the successive Royal Governments or by their organs, to change the political and legal status created in Bosnia and Herzegovina, the Royal Government calls attention to the fact that in this connection the Imperial and Royal Government has made no representation, except one concerning a school book, when the Imperial and Royal Government received an entirely satisfactory explana-

The Royal Servian Government confines itself to the statement that no endeavor has been made by either the Servian Government or its officers to modify the status of Bosnia and Herzegovina since the declaration of the 18th of March, 1909.

Thereby it deliberately evades the basic point in our representations, as we have not asserted that the Servian Government or its officers have officially undertaken anything to that end.

Our grievance, however, is that the Servian Government has omitted to suppress the agitation directed against the territorial integrity of the Dual Monarchy, notwithstanding the obligations it entered into under the terms of the above-mentioned note.

The Servian Government, therefore, was in duty bound to a radical change in the trend of its policy and to establish

tion. Serbia in numerous instances has given proofs of her pacific and moderate policy during the Balkan crisis, and it is due to Serbia and to the sacrifice that she has made in the exclusive interest of European peace that the same has been preserved.

The Royal Government cannot be held responsible for manifestations of a private character, such as articles in the press and the peaceable work of societies—manifestations which take place in nearly all countries in the ordinary course of events, and which as a general rule are beyond official control. The Royal Government is all the less responsible, in view of the fact that at the time of the solution of a series of questions which arose between Serbia and Austria-Hungary it showed much consideration and thus succeeded in settling most of these questions to the mutual advantage of the two neighboring countries.

For these reasons the Royal Government has been painfully surprised at the allegations that citizens of the Kingdom of Serbia have participated in the preparations for the crime committed at Serajevo; the Royal Government had expected to be invited to collaborate in an investigation of all that concerns this crime, and it stood ready, in order to prove the entire correctness of its attitude, to take measures against any persons concerning whom representations might be made to it.

Complying with the desire of the Imperial and Royal Government, it is prepared to commit for trial any Servian subject, regardless of his station or rank, of whose complicity in the crime of Serajevo proofs shall be produced, and more especially it undertakes to publish on the first page of the *Journal Officiel*, on

good neighborly relations with Austria-Hungary; and not merely to refrain from official attempts to dispute the status of Bosnia as an integral part of the Dual Monarchy.

The contention of the Royal Servian Government that utterances of the press and the activities of associations have a private character and are beyond the control of the state, is plainly at variance with the institutions of modern states, even of those which have the most liberal regulations in this respect; these regulations, designed to safeguard public polity and right, impose state supervision upon both press and associations. Moreover, the Servian institutions themselves provide for such supervision. The charge against the Servian Government is that it completely failed to supervise the Servian press and associations, although it well knew that both were engaged in a campaign against the monarchy.

This assertion is incorrect. The Servian Government had been fully informed of the suspicion raised against certain designated persons, and therefore was not only in a position spontaneously to institute an investigation, but was even bound to do so by its own laws. It has done nothing at all in this respect.

the date of the 13th/26th July, the following declaration:

"The Royal Government of Servia condemns every propaganda directed against Austria-Hungary, and in general all the tendencies which aim at the ultimate detachment from the Austro-Hungarian Monarchy of territories belonging to it, and it sincerely deplores the fatal consequences of these criminal activities.

"The Royal Government regrets that Servian officers and functionaries have participated, according to the communication of the Imperial and Royal Government, in the above-mentioned propaganda and thus compromised the good neighborly relations to which the Royal Government was solemnly pledged by its declaration of the 31st of March, 1909.

"The Royal Government, which disapproves and repudiates all idea of interfering or attempting to interfere with the destinies of the inhabitants of any part whatsoever of Austria-Hungary, considers it its duty formally to warn officers and functionaries, and the whole population of the kingdom, that henceforth it will proceed with the utmost vigor against persons who may be guilty of such machinations, which it will use all its efforts to prevent and suppress."

This declaration will be brought to the knowledge of the Royal Army in an order of the day, in the name of his Majesty the King, by his Royal Highness the Crown Prince Alexander, and will be published in the next official army bulletin.

The Royal Government further undertakes:

1. To insert, at the first ordinary convocation of the Skuptchina, a provision into the press law for the most severe punishment of incitement to hatred and contempt of the Austro-Hungarian Monarchy, and for taking

Our demand read as follows:

"The Royal Government of Servia condemns the propaganda directed against Austria-Hungary \* \* \*"

The alteration made by the Royal Servian Government in the declaration demanded by us implies either that such a propaganda against Austria-Hungary does not exist, or that its existence is not within the knowledge of the Royal Government. This formula is insincere and equivocal; it is intended to furnish the Servian Government with a loophole for future emergencies. The Servian Government might, in future, interpret this declaration as neither a disavowal of the existing propaganda, nor an admission of its hostility to the monarchy; it might, furthermore, base thereon the claim that it is not bound to suppress any future propaganda similar to the present one.

The wording of our demand was: "The Royal Government regrets that Servian officers and functionaries have participated in \* \* \*" By the additional phrase, "according to the communication from the Imperial and Royal Government," the Royal Servian Government seeks, as indicated above, to keep a free hand for the future.

We had demanded:

1. The suppression of "any publication which incites to hatred and contempt of the Austro-Hungarian Monarchy, and the general tendency of which is directed against its territorial integrity."

action against any publication the general tendency of which is directed against the territorial integrity of Austria-Hungary.

The government engages, at the impending revision of the Constitution, to add to Article 22 of the Constitution an amendment permitting that such publications be confiscated, a proceeding at present impossible according to the clear provisions of Article 22 of the Constitution.

2. The government possesses no proof, nor does the note of the Imperial and Royal Government furnish it with any, that the Narodna Odbrana and other similar societies have committed up to the present any criminal act of this nature through the proceedings of any

We thus wished to establish Serbia's obligation to provide for the prevention of such press attacks in the future; we wished, therefore, to secure definite results in the present instance.

Servia, instead, offers to decree certain laws intended to serve as means to that purpose, to wit:

(a) A law providing individual punishment of above-mentioned press utterances hostile to the Dual Monarchy. This is all the more immaterial to us, as it is a notorious fact that individual prosecution of press offences is very rarely possible, and as, furthermore, the lax application of such a law would leave unpunished even the few cases that might be prosecuted. This proposal, therefore, in no way meets our demand, as it gives no guarantee whatever for the results desired by us.

(b) An addition to Article 22 of the Constitution, permitting confiscation, as referred to in the Servian note. This proposal likewise must fail to satisfy us. The existence of such a law in Servia is of no avail to us, whereas only a pledge by the government to apply it would be useful. This, however, has not been promised to us.

These proposals are, therefore, quite unsatisfactory, all the more so because they are also evasive, as they do not state the time within which these laws shall be decreed. Besides, no provision is made for the event of a rejection of the bills by the Skuptchina—not to mention a possible resignation of the Cabinet—in which case matters would remain unchanged.

The propaganda against the monarchy conducted by the Narodna Odbrana and its affiliated associations permeates the entire public life of Servia; the Servian Government's declaration that it knows nothing about this propaganda, is, therefore, an absolutely inadmissible

of their members. Nevertheless, the Royal Government will accept the demands of the Imperial and Royal Government and will dissolve the Narodna Odbrana Society and every other association which may be directing its efforts against Austria-Hungary.

3. The Royal Servian Government undertakes to remove without delay from the system of public instruction in Servia all that serves or could serve to foment propaganda against Austria-Hungary, whenever the Imperial and Royal Government shall furnish it with facts and proofs of such a propaganda.

4. The Royal Government also agrees to remove from the military and the civil service all such persons as the judicial inquiry may have proved to be guilty of acts directed against the territorial integrity of the Austro-Hungarian Monarchy, and it expects the Imperial and Royal Government to communicate to it at a later day the names and the

act of evasion. Setting this contention aside, our demand is not wholly met, as we have also demanded:

The confiscation of the means of propaganda of these societies.

The prevention of the reorganization of the dissolved societies under other names and in other guise.

These two points the Belgrade Government ignores, thus eliminating even the guarantee which the preceding half-promise would imply that the proposed dissolution would put an end, once for all, to the activities of the societies hostile to the Dual Monarchy, and especially of the Narodna Odbrana.

In this case, be it noted, moreover, the Servian Government first demands proofs that a propaganda against the monarchy is being carried on in Servia's public instruction; this, too, when the Servian Government must know that the books in use in Servian schools contain much objectionable matter, and that a large number of the Servian teachers are connected with the Narodna Odbrana and its affiliated associations.

The Servian Government has again in this instance failed to comply with our demand in the way indicated by us, inasmuch as the phrase, "with regard to both the teaching-staff and the means of instruction," has been omitted in the Servian note. In this eliminated phrase are clearly pointed out the mediums whereby the propaganda against the Dual Monarchy is being conducted in the Servian schools.

If the dismissal of the military officers and civil officials referred to from the government service should be conditional upon their guilt being first confirmed by means of a trial, the Servian Government restricts its acceptance of our demand to cases where persons are charged with having committed a crime punishable under the provisions of the

acts of these officers and officials for the purposes of the proceedings which are to be taken against them.

5. The Royal Government must confess that it does not clearly understand the meaning or the scope of the demand made by the Imperial and Royal Government that Serbia shall undertake to accept the collaboration of officials of the Imperial and Royal Government upon Servian territory, but it declares that it will admit such collaboration as agrees with the principle of international law, with criminal procedure, and with good neighborly relations.

6. It goes without saying that the Royal Government considers it a duty to begin an inquiry against all such persons as are, or possibly may be, implicated in the plot of the 15/28 June, and who may happen to be within the territory of the kingdom. As regards the participation in this inquiry of Austro-Hungarian agents or authorities appointed for this purpose by the Imperial and Royal Government, the Royal Government cannot accept such an arrangement, as it would constitute a violation of the Constitution and of the law of criminal procedure; nevertheless, in concrete cases communications as to the results of the investigation in question might be given to the Austro-Hungarian agents.

penal code. Since we, however, demanded the removal of officers and officials who carry on a propaganda hostile to the monarchy, our demand is palpably not complied with in this respect, for the reason that in Serbia the propaganda of which we complain does not constitute an offence punishable by law.

International law and the penal code governing criminal proceedings have nothing whatever to do with this question; this is purely a problem of national polity to be settled by a special mutual arrangement. Serbia's reservation is, therefore, unintelligible and, on account of its vague and undefined form, is likely to give rise to insurmountable difficulties in the attainment of a final settlement.

Our demand was perfectly clear and could not be misunderstood. We demanded:

1. The institution of a legal investigation against those who participated in the plot.

2. The coöperation of Austro-Hungarian officials in the inquiry (*recherches*, in contradistinction to *enquête judiciaire*).

We did not contemplate the participation of Austro-Hungarian officials in the Servian legal proceedings; these officials were only to coöperate in the preliminary police investigation, which was to seek out and collect the data for the judicial inquiry.

If the Servian Government has misunderstood us, it has done so intentionally, since it must be familiar with the difference between an *enquête judiciaire* (a judicial inquiry) and simple *recherches* (a preliminary police investigation).

Since the Servian Government wishes to evade every form of control in connection with the proposed investigation which, if correctly conducted, would adduce results highly undesirable for that government; and since it is unable to decline on plausible grounds the co-

7. The Royal Government proceeded on the very evening of the delivery of the note, to arrest Commandant Voja Tankositch.

As regards Milan Ciganovitch, who is a subject of the Austro-Hungarian Monarchy and who up to the 15th June was employed (on probation) by the directorate of railways, it has not yet been possible to find out his whereabouts. Notices for his apprehension have been published in the press.

The Austro-Hungarian Government is requested to be so good as to supply as soon as possible, in the customary form, the presumptive evidence of guilt as well as the possible proofs of guilt which have been collected up to the present time, at the inquiry at Serajevo, for the purposes of the Servian inquiry.

8. The Servian Government will reinforce and extend the measures which have been taken for suppressing the illicit traffic in arms and explosives across the frontier.

It goes without saying that the Servian Government will immediately order an inquiry and will severely punish the frontier officials on the Schabatz-Loznitza line who have failed in their duty and allowed the authors of the crime of Serajevo to pass.

9. The Royal Government will gladly furnish explanations of the remarks made by its officials, whether in Servia or abroad, in interviews after the crime, and which, according to the statement of the Imperial and Royal Government,

operation of our officials in the police preliminaries,—a police intervention for which there are a great number of precedents—it has adopted a contention designed to furnish an apparent justification of its refusal to comply with our demand and to make our demand appear impossible of acceptance.

This reply is equivocal.

Our investigations have shown that Ciganovitch took a leave of absence three days after the assassination, when it became known that he had participated in the plot; and that under orders from the Belgrade Police Department he proceeded to Ribari. It is, therefore, untrue that Ciganovitch had retired from the government's service as early as the 15/28th of June. In addition, it should be stated that the Chief of the Belgrade Police, who himself had caused Ciganovitch's departure and knew his whereabouts, stated in an interview that no person of the name of Milan Ciganovitch existed in Belgrade.

The interviews here referred to must be well known to the Servian Government. The request that the Austro-Hungarian Government furnish details concerning these interviews, and the fact that the Servian Government re-



were hostile to the monarchy, as soon as the Imperial and Royal Government shall have communicated to it the passages in question in these remarks, and as soon as it shall have shown that the remarks were actually made by the said officials, in connection with which the Royal Government itself will take steps to collect evidence.

10. The Royal Government will inform the Imperial and Royal Government of the execution of the measures comprised under the above heads, in-so-far as this has not already been done by the present note, as soon as each measure shall have been ordered and carried out.

If the Imperial and Royal Government is not satisfied with this reply the Servian Government, considering that it is not to the common interest to take precipitate action in the solution of this question, is ready, as always, to accept a pacific understanding, either by referring this question to the decision of the international tribunal at The Hague, or to the great Powers which took part in the drawing up of the declaration made by the Servian Government on the 18/31 March, 1909.

Belgrade, *July 12/25, 1914.*

serves the exclusive right to conduct the formal investigation in this matter, prove that on this point, as on others, Serbia has no serious intention to accede to our demands.

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No. 35.

*Count Szögyény to Count Berchtold.*

[Telegram.]

BERLIN, *July 28, 1914.*

Great Britain's proposal for a conference in London, in which Germany, Italy, Great Britain and France should take part, has been rejected by Germany on the ground that Germany could not bring her ally before a European tribunal for adjudication of Austria-Hungary's differences with Servia.

## No. 36.

*Baron Müller to Count Berchtold.*

[Télégram.]

TOKIO, July 28, 1914.

To-day's semi-official *Japan Times* concludes an editorial by saying that Japan is on the best of terms with the three great Powers concerned, namely, Austria-Hungary, Germany and Russia, and had no interests whatever in Servia.

In the event of war the Imperial Government would naturally remain strictly neutral.

## No. 37.

*Count Berchtold to the Royal Servian Foreign Office, Belgrade.*

[Telegram.]

VIENNA, July 28, 1914.

The Royal Servian Government having failed to give a satisfactory reply to the note which was handed to it by the Austro-Hungarian Minister in Belgrade on July 23, 1914, the Imperial and Royal Government is compelled to protect its own rights and interests, by a recourse to armed force.

Austria-Hungary, therefore, considers herself from now on to be in state of war with Servia.

## No. 38.

*Count Berchtold to Count Szögyény, Berlin.*

[Telegram.]

VIENNA, July 28, 1914.

For your information and for transmission to the Secretary of State.

I have received from Count Mensdorff the following telegram, dated the 27th inst.:

I had occasion to-day to explain fully to Sir Edward Grey, that our action does not mean aggression but self-defence and self-preservation, and that we do not contemplate conquest of Servian territory or destruction of Servian independence. We desire to obtain satisfaction for the past and guarantees for the future.

In so doing I made use of certain points in your instructions to Count Szápáry. Sir Edward Grey said he felt very much disappointed at the fact that we dealt with the Servian reply as if it were a downright refusal.

He had expected that this reply would furnish a basis upon which the four other governments would be able to elaborate a satisfactory arrangement.

This has been his idea when he suggested a conference. The conference would meet on the assumption that Austria-Hungary as well as Russia would refrain from all military operations while the other Powers endeavored to find a satisfactory solution. (To-day's declaration by Sir Edward Grey in the House of Commons enlarges upon the project of the conference.)

When he made the suggestion that we should refrain from military operations against Serbia, I expressed the fear that it might possibly be too late.

The Secretary of State was of the opinion that we were taking a great risk if we were bound, under all circumstances, to make war on Serbia, on the assumption that Russia would remain inactive. Should we be able to persuade Russia to refrain from action, he would have no more to say; if not, the possibilities and dangers were incalculable.

As a symptom of the feeling of uneasiness prevalent in England, he pointed out that the great British fleet which had been concentrated in Portsmouth after the manoeuvres and was to have been dispersed to-day, would remain there for the time being. "We would not have called out any reserves," he observed, "but since they are gathered, we cannot send them home at this moment."

The object of his suggestion of a conference is to avert a collision among the great Powers, if possible, and presumably to isolate the conflict. Should Russia mobilize and Germany take action, the project of a conference would automatically fall through.

It seems to me superfluous to point out to you that Grey's project of a conference has been superseded by the course of events inasmuch as it concerns our conflict with Serbia, in view of the existing state of war.

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No. 39.

*Count Berchtold to Count Mensdorff, London.*

[Telegram.]

VIENNA, *July 28, 1914.*

We attach great importance to Sir Edward Grey's impartial appreciation of our action in Serbia in general, and of our rejection of the Servian note in particular. I therefore request you to explain in detail to the Secretary of State the dossier which has been dispatched to you by post, and to emphasize the salient points in it. In the same sense you will discuss with Sir Edward Grey the critical comments on the Servian note (copy of the note together with our comments was dis-

patched to you by yesterday's post) and make clear to him that Serbia has only apparently met our demands with the object of deceiving Europe, without giving any guarantee as to the future.

In view of the fact that the Servian Government was fully aware that the unconditional acceptance of our demands alone could satisfy us, the Servian tactics are easily fathomed. Serbia has accepted, with various reservations, several of our demands in order to deceive public opinion in Europe, confident that she never would be called upon to carry out her promises. In your conversation with Sir Edward Grey, you will lay particular stress upon the circumstance that the general mobilization of the Servian army was ordered for July the 25th, 3 o'clock P. M., while the reply to our note was handed in shortly before the expiration of the stipulated time, a few minutes before 6 o'clock.

We had previously made no military preparations, but were forced to make them by the Servian mobilization.

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No. 40.

*Count Berchtold to Count Szápáry, St. Petersburg.*

[Telegram.]

VIENNA, July 28, 1914.

For your information and guidance:

The Imperial Russian Ambassador called on me to-day to inform me of his return from Russia after a short leave of absence, and at the same time to comply with telegraphic instructions received from M. Sazonow. The latter had informed him of having had a long and friendly conversation with you (re your telegram of the 27th inst.) in the course of which you had, with great readiness, analyzed the different points of Serbia's response. M. Sazonow held the opinion that Serbia had met our demands to a great extent, but that he considered several of these demands to be unacceptable, a view which he already had communicated to you. Under the circumstances the Servian response appeared to him to furnish the basis for an understanding, to which the Russian Government would willingly lend a hand. M. Sazonow therefore wished to propose that the exchange of views be continued with you and that I should instruct you to that effect.

I replied that I could not agree to such a proposal. Nobody in Austria-

Hungary would understand or approve such a discussion of a note which we already had found unsatisfactory. Such a discussion appears all the more impossible since public opinion is already deeply and generally excited, as the Ambassador must be well aware. Moreover, we have declared war on Servia to-day.

The Ambassador's arguments were chiefly to the effect, that we would not stamp out the admitted ill-feeling in Servia by force of arms, but that on the contrary we would inflame it still further. In reply I shed some light upon our actual relations with Servia, which made it inevitable that we should, however reluctantly and without any underhand design, exert the necessary pressure to make it clear to our restless neighbor that we are irrevocably resolved no longer to permit a movement tolerated by the Servian Government and directed against the existence of the Dual Monarchy. Moreover, Servia's attitude after the receipt of our note was not such as would make possible a peaceful settlement, because Servia, before presenting her unsatisfactory reply, had ordered a general mobilization, and by so doing had committed a hostile act against us. Nevertheless, we had waited three more days.

Yesterday, Servia inaugurated hostilities against us on the Hungarian border. Thus we are compelled to abandon our forbearing attitude toward Servia. It has now been made impossible for us to bring about a complete and peaceful adjustment of relations with Servia, and we are forced to meet the Servian provocations in the only manner compatible with the dignity of the Dual Monarchy under the circumstances.

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No. 41.

*Count Berchtold to Count Mensdorff, London.*

[Telegram.]

VIENNA, *July 28, 1914.*

The British Ambassador called on me this morning and, according to instructions, explained Sir Edward Grey's attitude on our controversy with Servia, as follows:

The British Government has followed with great interest the course of the crisis up to date, and wishes to assure us of its sympathy with the stand we have taken and of its thorough understanding of our grievances against Servia.

Although Great Britain has no special concern about our difficulty with Serbia as such, the London Cabinet could not ignore the conflict, inasmuch as it involves the possibility of extending into widening eddies and thereby endangering the peace of Europe.

Only on this ground was Sir Edward Grey prompted to invite the governments of the countries not directly interested in this conflict (Germany, Italy and France) to examine all the possibilities by a continuous exchange of views and to consider methods of as speedy a settlement as possible. The Secretary of State considers it expedient that, following the precedent of the London Conference during the last Balkan crisis, the ambassadors of the aforesaid states in London should keep in continuous touch with him.

Sir Edward Grey already has received responses in which the above-mentioned governments expressed their cordial assent to his suggestion. For the present the Secretary of State would desire, if possible, to prevent at the eleventh hour the outbreak of hostilities between Austria-Hungary and Serbia. Should this, however, not be possible, he was anxious to avoid a bloody collision, possibly by inducing Serbia to withdraw her troops without giving battle. Serbia's reply to us seems to offer the basis for an understanding, in the opinion of Sir Edward Grey. England, he intimated, was willing to use her influence in this direction, subject to our desire.

I thanked the Ambassador for Sir Edward Grey's communication, and replied that I fully appreciated the views of the Secretary of State. His point of view, however, necessarily differs from mine, since Great Britain has no direct interest in our dispute with Serbia, and because the Secretary of State could hardly be thoroughly cognizant of the seriousness and importance of the pending questions for the Dual Monarchy. Sir Edward Grey's suggestions concerning the possibility of preventing an outbreak of hostilities are somewhat belated since, as early as yesterday, the Servians had opened fire on our frontier-guards, and also because we declared war upon Serbia to-day. Referring to the idea of an exchange of views on the basis of the Servian response, I have to decline the suggestion. We had demanded an unqualified acceptance. Serbia had endeavored to extricate herself from an embarrassing situation by means of quibbles. With such tactics we were only too familiar.

I added that Sir Maurice de Bunsen's personal experience surely placed him in a position to appreciate fully our standpoint and to explain it accurately to Sir Edward Grey.

Inasmuch as Sir Edward Grey is desirous to serve the cause of European peace, he certainly will meet with no opposition from us. But he should realize that the peace of Europe would not be preserved if great Powers stood behind Serbia and assured her of immunity. Suppose, even, that we agreed to attempt such a compromise, Serbia as a result would only be encouraged to persevere in her old tactics—a situation which would once more endanger peace in a very short time.

The British Ambassador assured me that he perfectly understood our standpoint; but, on the other hand, he regretted that, under the circumstances, there was no chance of attaining the British Government's desire to bring about a peaceful compromise. He hoped to be allowed to remain in touch with me, particularly on account of the grave danger of a European conflagration.

I replied that I was always at the Ambassador's disposal, and with this the interview terminated.

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No. 42.

*Count Berchtold to Count Szögyény, Berlin.*

[Telegram.]

VIENNA, July 28, 1914.

I request you to call at once on the Imperial Chancellor or on the Secretary of State and to convey to him the following in my behalf:

According to corroborative news from St. Petersburg, Kieff, Warsaw, Moscow and Odessa, Russia is making extensive military preparations. M. Sazonow, however, as well as the Russian Minister of War, have given their word of honor that a mobilization had not yet been ordered. The latter Minister, however, has advised the German Military Attaché that the military districts of Kieff, Odessa, Moscow and Kazan, which adjoin Austria-Hungary, would be mobilized if our troops crossed the Servian border.

Under these circumstances I would urgently request the Berlin Cabinet to consider whether Russia's attention should not be called, in a friendly manner, to the fact that the mobilization of the above-mentioned districts would be equivalent to a threat to Austro-Hungary, and that should it actually occur it would have to be met by Austria-Hungary and her ally, the German Empire, with the most comprehensive military counter-measures.

In order to facilitate the possible adoption of a more conciliatory attitude by Russia, we think it advisable that such a move should be initiated by Germany, alone, although we would, of course, be prepared to join in the action.

Plain language would seem to me to be the most effective measure at this moment, in order to bring home to Russia the lengths to which her menacing attitude may lead.

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No. 43.

*Count Berchtold to Count Szögyény, Berlin.*

[Telegram.]

VIENNA, July 28, 1914.

The Imperial German Ambassador has advised me that Sir Edward Grey has approached the German Government with a request that it use its influence with the Imperial and Royal Government to the effect that the latter either consider the reply from Belgrade satisfactory or else accept it as a basis for discussions between the cabinets.

Herr von Tschirschky was instructed to submit the British proposal to the Vienna Cabinet for its consideration.

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No. 44.

*Count Berchtold to the Imperial and Royal Ambassadors in St. Petersburg, London, Paris and Rome.*

[Telegram.]

VIENNA, July 29, 1914.

For your information:

I have conveyed to the Imperial German Ambassador to-day, the following memorandum in reply to a communication by him:

MEMOIR.

The Austro-Hungarian Government has noted with profound thanks the communication which the Imperial German Ambassador transmitted to it on the 28th instant, by request of the British Cabinet, to the effect that the Imperial German Government use its influence with the Vienna Cabinet in an effort to induce the latter, either to approve the response from Belgrade or else to accept it as a basis for discussions.



Referring to the communication made by the British Secretary of State to Prince Lichnowsky, the Imperial and Royal Government wishes to point out, in the first place, that Serbia's reply by no means conveys an assent to all our demands with one sole exception, as Sir Edward Grey seems to assume, but on the contrary, contains reservations in almost every clause, so that the value of the concessions is essentially reduced. The clause which has been entirely rejected covers the very points which would have afforded us some guarantee for the realization of our object.

The Imperial and Royal Government cannot conceal its surprise at the assumption that its action against Serbia was aimed at Russia and Russian influence in the Balkans, a supposition which would imply that the propaganda against the Dual Monarchy is not only Servian but also of Russian origin.

Hitherto we had presumed that official Russian circles had no connection with the agitation against the Dual Monarchy, and our present action is directed solely against Serbia, while our sentiments toward Russia are perfectly friendly, as we can assure Sir Edward Grey.

At the same time the Austro-Hungarian Government must point out that, to its sincere regret, it no longer is in a position to meet the Servian reply in the spirit of the British suggestions, since at the time when the German request was presented here, a state of war already existed between the Dual Monarchy and Serbia, and thus the Servian reply had been superseded by events.

The Imperial and Royal Government wishes to call attention to the fact that the Royal Servian Government has proceeded to the mobilization of the Servian forces before it replied to our note, and subsequently has allowed three days to elapse without showing any disposition to modify its point of view, whereupon we have declared war.

Should the British Cabinet be prepared to exert its influence upon the Russian Government for the maintenance of peace among the great Powers, and for a localization of the war which had been forced upon us by the Servian agitation of many years' standing such efforts would meet with the Imperial and Royal Government's appreciation.

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No. 45.

*Count Szécsen to Count Berchtold.*

[Telegram.]

PARIS, *July 29, 1914.*

France undoubtedly is making military preparations as announced by the newspapers, though the latter may possibly be exaggerating. According to strictly confidential information, Baron Schoen has been

instructed to touch upon the topic of these military preparations with M. Viviani to-day, and to point out that under the circumstances, Germany might be compelled to adopt similar measures, which, of course, could not be concealed and which would cause great excitement when they should become known to the public.

Thus both countries, though only desirous of peace, might be driven to at least a partial mobilization, which would be dangerous.

Moreover Baron Schoen, acting on instructions, will also declare that Germany anxiously desires that the conflict between us and Serbia shall remain localized, and that Germany counts on the support of France on this point.

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No. 46.

*Count Szögyény to Count Berchtold.*

[Telegram.]

BERLIN, *July 29, 1914.*

As early as Sunday the German Government declared at St. Petersburg that a mobilization by Russia would be followed by a mobilization by Germany.

Thereupon the Russian Government replied in the sense of my telegram of the 27th instant. Another telegram was sent to St. Petersburg to-day, to the effect that Germany may be compelled to mobilize if Russia carries on her mobilization any further.

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No. 47.

*Count Szápáry to Count Berchtold.*

[Telegram.]

ST. PETERSBURG, *July 29, 1914.*

On information received from the German Ambassador that M. Sazonow appeared greatly disturbed by your apparent unwillingness to continue discussions with Russia and by the Austro-Hungarian order of mobilization, which appears to him to exceed the necessary scope and therefore is believed to be directed against Russia, I called upon the

Minister in an attempt to clear up misconceptions which seemed to exist.

The Minister asserted that Austria-Hungary has refused point blank to discuss matters any further. In accordance with your telegram of the 28th instant, I explained that in view of recent events, you certainly had refused to discuss any further the wording of the notes and our conflict with Servia in general; that, on the other hand, I have to state that I was in a position to open a much wider field for discussion by declaring that we do not wish to interfere with any Russian interests and that we do not intend to take any Servian territory; provided, always, that the conflict be localized between Austria-Hungary and Servia; that, moreover, we did not intend to violate Servia's sovereignty. I expressed my firm conviction that you would always be willing to keep in touch with St. Petersburg with regard to Austro-Hungarian and Russian interests.

M. Sazonow replied that he felt reassured on the territorial question, but that he must adhere to his former view that the enforcement of our demand would place Servia in a condition of vassalage; that such an event would affect the equilibrium of the Balkans and thereby would infringe upon Russian interests. He then reverted to the discussion of the note, to Sir Edward Grey's action, etc., and again suggested that he recognized our legitimate interests and wished to satisfy them fully, but that this should be done in a manner acceptable to Servia. I rejoined that these were not Russian but Servian interests, whereupon Sazonow retorted that in this case Russian interests were identical with Servian interests. In order to find an issue from this vicious circle, I passed to another topic.

I observed that it had been brought to my notice that some apprehension was felt in Russia, because we had mobilized eight army corps for action against Servia. M. Sazonow stated that not he but the Chief of the General Staff had expressed uneasiness, and that he himself knew nothing about it. I endeavored to convince M. Sazonow that any unbiased person could be easily convinced that our southern army corps could not be a menace to Russia.

I pointed out to the Minister that it might be well to inform his Imperial Majesty, the Czar, of the true situation, the more so, because it is urgently necessary for the preservation of the peace that an immediate stop be put to this race in military preparations, which appeared imminent as the result of this information. M. Sazonow said in a significant manner—and his observation shed an illuminating light upon the

situation—that he would inform the Chief of the General Staff, as that officer conferred with His Majesty every day.

The Minister also said that an Ukase was being signed to-day, ordering a somewhat extensive mobilization. He could, however, declare in an absolutely official way that these forces were not intended for a sudden attack upon us, but would be kept under arms in case Russia's interests in the Balkans should be menaced. An explanatory note, he said, would confirm this assurance that it was only a question of a precautionary measure, which Czar Nicholas had deemed justifiable on the ground that we not only have the advantage of a quicker mobilization, but also have the benefit of so long a start. I emphatically drew Sazonow's attention to the impression which such measures are bound to create in Austria-Hungary. I expressed my doubts as to whether the explanatory note would be able to soften that impression, whereupon Sazonow reiterated his assurance that this measure is absolutely inoffensive (!)

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No. 48.

*Count Berchtold to Count Szögyény, Berlin.*

[Telegram.]

VIENNA, July 29, 1914.

Herr von Tschirschky has just told me that the Russian Ambassador has informed him that his government had communicated to him the fact that the military districts of Kieff, Odessa, Moscow and Kazan would be mobilized. Russia considers her honor as a great Power to have been offended, and therefore she has been obliged to take adequate measures. The Russian mobilization is being confirmed by our generals commanding the army corps in Galicia, and, according to our Military Attaché was not denied by M. Sazonow in his conference with the German Ambassador.

You are instructed to convey the above information to the German Government without delay and to point out emphatically that for military reasons our general mobilization will have to be ordered at once, unless the Russian mobilization is stopped immediately.

As a last attempt to avert a European war, I consider it desirable that our envoy and the German representative in St. Petersburg, and if necessary also in Paris, be instructed at once to explain in an amicable

way to the respective governments that the continuation of the Russian mobilization would provoke counter-measures in Germany and Austria-Hungary, which necessarily would lead to the most serious consequences. You will add, that it is self-evident that we cannot allow any interference with our armed action in Servia.

The Imperial and Royal Ambassadors in St. Petersburg and Paris are being simultaneously instructed to make the above declaration as soon as their German colleagues receive the same instructions.

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No. 49.

*Count Berchtold to Count Szápáry, St. Petersburg.*

[Telegram.]

VIENNA, July 30, 1914.

In reply to your telegram of July 29th, I am still ready, as before, to allow you to explain to M. Sazonow the individual points in our note to Servia, which has since been superseded by events. In this connection I would also make a point of discussing in a frank and friendly manner the questions which directly concern our relations with Russia, in accordance with the suggestion transmitted to me by M. Schebeko. From such a discussion, it is to be hoped, may result the elimination of the unfortunate misconception in this particular matter, as well as the peaceful development of our good relations with Russia.

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No. 50.

*Count Berchtold to Count Szápáry, St. Petersburg.*

[Telegram.]

VIENNA, July 30, 1914.

For your information and guidance:

I have explained to M. Schebeko to-day, that it had been reported to me that M. Sazonow was painfully impressed by my flat rejection of his suggestion of a conference between you and himself, and also because no exchange of views had taken place between myself and M. Schebeko.

With regard to the first proposal, I had already instructed you by

telegraph to give M. Sazonow any explanation he might require concerning our note, although recent events have superseded that note. Such an explanation, however, could be confined to only belated elucidation, as we had intended never to abate any point in the note. I also stated that I had authorized you to make our relations with Russia the subject of an amicable exchange of views with M. Sazonow. The complaint that there had been no conference between myself and Schebeko must be based on a misunderstanding, as we—Schebeko and I—had discussed the pending questions only two days ago. The Ambassador confirmed this and said that he had sent a full report of our interview to M. Sazonow.

M. Schebeko then explained why our action against Serbia had caused such anxiety in St. Petersburg. He asserted that we, as a great Power, were taking action against the small Servian state, without conveying any knowledge of our intention at St. Petersburg, as to whether we would infringe upon its sovereignty, overthrow it, or even crush it out of existence. Being connected with Serbia by historic and other ties, Russia could not remain indifferent to Serbia's fate. Every attempt has been made in St. Petersburg to impress upon Belgrade the necessity of complying with our demands. This, however, at a time when it could not have been known what demands we would formulate.

But even now, after the demands have been made, every influence would be exerted, I was assured, to obtain all possible concessions to our wishes. I begged the Ambassador to remember that we had repeatedly stated that we were not following a policy of conquest in Serbia, that we did not intend to infringe upon her sovereignty, but that we merely desired to attain a solution which would afford us a guarantee against further agitations on the part of Serbia. In enlarging upon the subject of our intolerable relations with Serbia, I plainly gave Schebeko to understand to what extent Russian diplomacy was responsible for this state of things, though surely against the inclination of the leading men in Russia.

In the course of our conversation I referred to the Russian mobilization, which had meanwhile been brought to my knowledge. Since the mobilization is restricted to the military districts of Odessa, Kieff, Moscow and Kazan, it bears the character of a hostile demonstration against the Dual Monarchy. The cause of this measure is unknown to me, since there is no matter in dispute between us and Russia. Austria-Hungary has mobilized her troops solely against Serbia, and not one man against Russia. The very fact that the Ist, Xth, and XIth Army Corps

have not been mobilized, bears out my statement. Since Russia is obviously mobilizing against us, we are compelled to extend our own mobilization; I, however, wish to point out expressly, that this measure should not be considered as a hostile act against Russia, but simply as a response to the Russian mobilization.

I asked M. Schebeko to report the above to his government, which he undertook to do.

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No. 51.

*Count Berchtold to the Imperial and Royal Ambassadors in London and St. Petersburg.*

[Telegram.]

VIENNA, July 31, 1914.

I am telegraphing to Berlin as follows:

Herr von Tschirschky, acting on instructions, informed me yesterday of a conversation between Sir Edward Grey and Prince Lichnowsky, in the course of which the Secretary of State made the following declaration to the German Ambassador:

Sazonow has made known to the British Government that, since Austria-Hungary has declared war on Servia, he was no longer in a position to treat directly with Austria-Hungary, and therefore requested Great Britain to resume her mediation. As a condition of this mediation, however, the Russian Government stipulates the suspension of hostilities in the meanwhile.

Commenting upon this Russian suggestion, Sir Edward Grey told Prince Lichnowsky that Great Britain was considering a plan of mediation *à quatre*, and held such mediation to be urgent and essential for the avoidance of a general war.

You are instructed to thank the Secretary of State warmly for the communication made by Herr von Tschirschky and to express our readiness to consider Sir Edward Grey's proposition to mediate between us and Servia despite the changes brought about in the situation by Russia's mobilization.

Our acceptance, however, is subject to the condition that our military action against Servia shall nevertheless proceed and that the British Cabinet shall induce the Russian Government to stop the mobilization directed against us. It is understood that in this case we would at once

cancel our defensive military counter-measures in Galicia, which had been forced upon us by Russia's mobilization.

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No. 52.

*Count Szápáry to Count Berchtold.*

[Telegram.]

ST. PETERSBURG, *July 31, 1914.*

Early this morning an order was issued for the general mobilization of the entire army and navy.

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No. 53.

*Count Berchtold to the Imperial and Royal Embassies, Legations and Consulates.*

[Telegram.]

VIENNA, *July 31, 1914.*

For your information and for use at the respective governments:

In response to Russian Government's order for mobilization at our frontier we are forced to take similar measures in Galicia.

These measures are of a purely defensive character and are solely due to the pressure of the Russian preparations, which we greatly regret, as we have no aggressive intentions whatever against Russia, and desire the continuation of the same friendly relations as heretofore.

Negotiations dealing with the situation are proceeding between the Cabinets at Vienna and at St. Petersburg, and we still hope that they may lead to a general understanding.

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No. 54.

*Count Szécsen to Count Berchtold.*

[Telegram.]

PARIS, *July 31, 1914.*

The German Ambassador, on instructions from his government, has made a declaration here to the effect that, if the Russian general mob-



ilization shall not be stopped within twelve hours, Germany also will mobilize. At the same time Baron Schoen inquired whether France would remain neutral in the event of a Russo-German war. He requested an answer to this question within eighteen hours. The time-limit expires to-morrow, Saturday, at 1 o'clock P. M.

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No. 55.

*Count Szápáry to Count Berchtold.*

[Telegram.]

ST. PETERSBURG, *July 31, 1914.*

Received your telegram of the 30th inst. My telegram of the 29th inst. will have acquainted you with the fact that I had resumed the exchange of views with M. Sazonow without waiting for instructions and practically on the basis now suggested by you, without succeeding, however, in bringing the conflicting viewpoints nearer to an agreement.

Meanwhile the conversations between the German Ambassador and the Russian Minister of Foreign Affairs have made it clear that Russia would not be content even with a formal declaration by Austria-Hungary that she would not reduce Servian territory, nor infringe upon her sovereignty, nor violate any Russian interest in the Balkans, or elsewhere. Moreover, Russia has, since then, ordered a general mobilization.

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No. 56.

*Count Szápáry to Count Berchtold.*

[Telegram.]

ST. PETERSBURG, *August 1, 1914.*

On my visit to M. Sazonow to-day, I declared that I had received certain instructions, but that I was not aware of the situation created in Vienna by the Russian general mobilization.

Therefore, in carrying out the instructions which had been despatched to me before that event, I could not take into account the newly-created situation. I said that the two points of your instructions dealt with the misunderstanding arising out of our refusal to discuss matters any further with Russia. As I had said even before I was authorized to do so,

this conception is erroneous. I pointed out that you were not only willing to enter into negotiations with Russia on a most comprehensive basis, but even to discuss the wording of our note, inasmuch, as it was only a question of interpretation.

I emphasized the point that your instructions once more bear out your good intentions; that I was still ignorant of the effect produced in Vienna by the Russian general mobilization and that I could but hope that events might not yet have carried us too far. In any case I considered it my duty at the present momentous juncture to furnish another proof of the good will of the Austro-Hungarian Government.

M. Sazonow in reply, expressed his satisfaction at this evidence of our good intentions, but observed that for obvious reasons the neutral ground of London would promise better success for the proposed negotiations than St. Petersburg. I replied that you desired to be in direct touch with St. Petersburg, and that I was consequently unable to give an opinion on the suggestion, but would not fail to convey it to you.

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No. 57.

*Count Szögyény to Count Berchtold.*

[Telegram.]

BERLIN, August 2, 1914.

The Secretary of State has just advised me that no reply to the German inquiry has arrived from Russia.

Russian troops have crossed the German border near Schwiddin (southeast of Bialla). Russia has, therefore attacked Germany. Germany consequently considers herself to be in state of war with Russia.

The Russian Ambassador was handed his passports this forenoon; he probably will leave to-day.

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No. 58.

*Count Mensdorff to Count Berchtold.*

[Telegram.]

LONDON, August 4, 1914.

I have just seen Sir Edward Grey. The British Government has addressed an ultimatum to Germany on the subject of Belgium. He expects reply at midnight.

Sir Edward Grey holds, that meanwhile, there was no reason for a

similar communication to the Imperial and Royal Government, and no cause for a conflict with us, as long as we are not at war with France. He hoped we would not open hostilities without a previous formal declaration of war. He will not recall Sir M. de Bunsen.

Should we enter into a state of war with France, Great Britain, as an ally of France, would find it difficult to coöperate with the latter in the Atlantic, and not in the Mediterranean.

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No. 59.

*Count Berchtold to Count Szápáry, St. Petersburg.*

[Telegram.]

VIENNA, August 5, 1914.

You are instructed to hand the following note to the Russian Minister of Foreign Affairs:

By order of his government, the undersigned Ambassador of Austria-Hungary has the honor to notify His Excellency, the Russian Minister of Foreign Affairs, as follows:

In view of the threatening attitude assumed by Russia in the conflict between the Austro-Hungarian Monarchy and Servia, and in view of the fact that, in consequence of this conflict, and according to a communication of the Berlin Cabinet, Russia has considered it necessary to open hostilities against Germany; furthermore, in view of the fact that the latter consequently has entered into a state of war with the former Power, Austria-Hungary considers herself equally in a state of war with Russia.

After having presented this note, you will ask for the return of your passports and take your departure without delay accompanied by the entire staff of the embassy, with the sole exception of those officials who may have to remain.

Simultaneously passports are being handed to M. Schebeko.

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No. 60.

*Count Berchtold to Count Mensdorff, London.*

[Telegram.]

VIENNA, August 6, 1914.

Received your telegram of the 6th inst.

You are instructed to assure Sir Edward Grey, that we shall under no circumstances begin hostilities against Great Britain without previous

formal declaration of war, but that we also expect Great Britain to act on the same principle.

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No. 61.

*Count Szécsen to Count Berchtold.*

[Telegram.]

PARIS, August 8, 1914.

The Minister of Foreign Affairs has sent for me and has informed me that the Innsbruck Army Corps has been dispatched to the French frontier, according to positive information received by him. M. Doumergue urgently desires to know whether this information is correct, and in the event of the affirmative to know the Imperial and Royal Government's intentions. France being at war with Germany, such a movement of troops to the French border is, in his opinion, incompatible with the state of peace existing between Austria-Hungary and France. M. Dumaine is instructed to make a similar representation to you.

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No. 62.

*Count Berchtold to Count Szécsen, Paris.*

[Telegram.]

VIENNA, August 9, 1914.

Re your telegram of the 8th inst.

On information received from General Staff I authorize you to declare to the French Government that news of participation of our troops in the Franco-German war is a pure invention. I have made an identical declaration to M. Dumaine.

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No. 63.

*Count Szécsen to Count Berchtold.*

[Telegram.]

PARIS, August 10, 1914.

Received telegram of 9th August.

Immediately communicated contents to M. Doumergue. The Minister, having received a similar telegraphic report from M. Dumaine

concerning his conversation with you, is satisfied that our troops are not on the French frontier, but says that he has positive information that an Austro-Hungarian army corps has been transported to Germany, thus enabling the latter to withdraw her own troops from the German territories now occupied by our forces. In the Minister's view this facilitates the military operations of the Germans.

I have repeatedly called the Minister's attention to the wording of your reply; he recognizes that there could be no question of an active participation of our troops in the Franco-German war, but insists that the presence of our troops on German territory is undeniable and represents military support to Germany. Under these circumstances he has instructed the French Ambassador in Vienna to ask immediately for his passports and to leave Vienna with the entire staff of the Embassy, to-day.

The Minister told me that, under the circumstances, my presence here could be of no avail, but owing to public excitement, might even give rise to unpleasant incidents which he would like to avoid. He offered to have a special train ready to-night for my conveyance out of France. I replied that it would be impossible for me to obtain instructions from you by to-night, but in view of the recall of M. Du-maine, I begged him to have my passports handed to me.

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No. 64.

*Count Berchtold to Count Mensdorff, London.*

VIENNA, August 11, 1914.

The French Government has instructed its Ambassador here to ask for his passports on the ground that an Austro-Hungarian army corps has been sent to Germany, thereby enabling the German military authorities to withdraw their troops from the German territories now occupied by our forces.

This move by our General Staff is considered to constitute military support to Germany.

You are instructed to assure the British Government that this French assertion, according to authentic information, is unfounded.

## No. 65.

*Count Mensdorff to Count Berchtold.*

[Telegram.]

LONDON, August 12, 1914.

I have just received from Sir Edward Grey the following communication:

By request of the French Government, which no longer is able to communicate directly with your government, I wish to inform you of the following:

After having declared war on Servia and having thus initiated hostilities in Europe, the Austro-Hungarian Government has, without any provocation on the part of the Government of the French Republic, entered into a state of war with France.

1st: After Germany had declared war successively upon Russia and France, the Austro-Hungarian Government has intervened in this conflict by declaring war on Russia, which was already in alliance with France.

2nd: According to manifold and reliable information Austria has sent troops to the German border under circumstances which constitute a direct menace to France.

In view of these facts the French Government considers itself compelled to declare to the Austro-Hungarian Government that it will take all measures necessary to meet the actions and menaces of the latter.

Sir Edward Grey added:

A rupture with France having thus been brought about, the Government of His Britannic Majesty is obliged to proclaim a state of war between Great Britain and Austria-Hungary, to begin at midnight.

## No. 66.

*The Japanese Ambassador to Count Berchtold.*

VIENNA, August 20, 1914.

Monsieur le Comte:

No doubt you already have been informed by Baron Müller of the nature of the communication made to the German Government by my government on the 15th inst.; but, for your personal information, I beg to enclose herewith a copy of a telegram received from Tokio on the subject, although I have no instruction to do so.

ENCLOSURE.

The Japanese Government, taking into serious consideration the present situation, and as the result of full communication with the British Government for the purpose

of consolidating and maintaining the general peace in the regions of Eastern Asia, which forms one of the objects of the Anglo-Japanese alliance, have come to the decision of taking the necessary measures therefor in common with Great Britain; but before taking such measures, the Japanese Government thought it proper to once approach the German Government with a friendly advice which was communicated to them to the following effect on the 15th of August, 1914:

1. All German vessels of war to be immediately withdrawn from the waters in the neighborhood of Japan and China. The vessels which cannot be so withdrawn to be disarmed.

2. The German Government to deliver, unconditionally and without compensation, to the Japanese authorities, the entire leased territory of Kiau-Chau before the 16th of September, 1914, for the purpose of returning it to China.

The Japanese Government has declared to the German Government that unless their reply of unconditional acceptance of the above advice should be received before noon of Sunday, the 23rd instant, the Japanese Government shall take such action as they deem necessary.

It is sincerely hoped that the above advice, with such ample allowance of time for reply, may be accepted by the German Government; but should unfortunately, the German Government not accept the advice of the Japanese Government, the latter will be obliged to take the necessary measures in order to accomplish their object.

The reason that led the Imperial Government to assume the present attitude is, already mentioned, none other than to safeguard the common interests of Japan and Great Britain mentioned in the Anglo-Japanese alliance by consolidating the foundation of permanent peace in the regions of Eastern Asia, and the Japanese Government have no intention whatever of embarking on a policy of territorial expansion or any other design of self-interest. Consequently, the Imperial Japanese Government are resolved to respect, with the utmost care, the interests of third Powers in Eastern Asia and not in the least to injure them.

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No. 67.

*Count Berchtold to Count Clary, Brussels.*

[Telegram.]

VIENNA, August 22, 1914.

I request you to inform the Royal Belgian Minister of Foreign Affairs without delay, as follows:

By order of my government I have the honor to notify you, as follows:

In view of the fact that Belgium, having refused to accept the propositions addressed to her on several occasions by Germany, is now in military coöperation with France and Great Britain, both of which have declared war on Austria-Hungary; and in view of the recently established fact that Austrian and Hungarian subjects resident in Belgium have,

under the eyes of the royal authorities, been treated in a manner contrary to the most primitive laws of humanity, and inadmissible even toward subjects of a hostile state, Austria-Hungary is necessarily compelled to break off diplomatic relations and considers herself from now on in a state of war with Belgium.

I leave the country with the staff of the legation and place the subjects of my country under the protection of the Minister of the United States of America in Belgium.

The Imperial and Royal Government has handed his passports to Count Errembault de Dudzeele.

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No. 68.

*Prince Hohenlohe to Count Berchtold.*

[Telegram.]

BERLIN, August 23, 1914.

The Japanese Minister here has been informed by the Foreign Office that the German Imperial Government had no intention to reply to the Japanese ultimatum. The German Government has instructed its Ambassador in Tokio to leave Japan upon the expiration of the time-limit fixed by Japan for noon to-day. Simultaneously the Japanese Chargé d'Affaires is to be handed his passports.

At noon the Chargé d'Affaires received his passports; he will leave Berlin to-morrow morning with the staff of the embassy.

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No. 69.

*Count Berchtold to Baron Müller, Tokio.*

[Telegram.]

VIENNA, August 24, 1914.

The Commander of H. M. S. *Elisabeth* has been instructed to participate in the action at Tsingtau.

In view of Japan's action against our ally, the German Empire, I request you to ask for your passports, notify consulates and leave Japan for America together with our colony and the staffs of embassy and con-



sulates. You will place our subjects and interests under the protection of the American Ambassador. Passports will be handed to Japanese Ambassador here.

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AN ACT TO CONSOLIDATE AND AMEND THE ENACTMENTS RELATING TO  
• BRITISH NATIONALITY AND THE STATUS OF ALIENS.

4 & 5 Geo. V, Ch. 17.

7th August, 1914.

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

*Natural-Born British Subjects.*

1.—(1) The following persons shall be deemed to be natural-born British subjects, namely:

- (a) Any person born within His Majesty's dominions and allegiance; and
- (b) Any person born out of His Majesty's dominions, whose father was a British subject at the time of that person's birth and either was born within His Majesty's allegiance or was a person to whom a certificate of naturalization had been granted; and
- (c) Any person born on board a British ship whether in foreign territorial waters or not:

Provided that the child of a British subject, whether that child was born before or after the passing of this Act, shall be deemed to have been born within His Majesty's allegiance if born in a place where by treaty, capitulation, grant, usage, sufferance, or other lawful means, His Majesty exercises jurisdiction over British subjects.

- (2) A person born on board a foreign ship shall not be deemed to be a British subject by reason only that the ship was in British territorial waters at the time of his birth.

- (3) Nothing in this section shall, except as otherwise expressly provided, affect the status of any person born before the commencement of this Act.

PART II.

*Naturalization of Aliens.*

- 2.—(1) The Secretary of State may grant a certificate of naturalization to an alien who makes an application for the purpose, and satisfies the Secretary of State—
- (a) that he has either resided in His Majesty's dominions for a period of not less than five years in the manner required by this section, or been in the service of the Crown for not less than five years within the last eight years before the application; and
  - (b) that he is of good character and has an adequate knowledge of the English language; and
  - (c) that he intends if his application is granted either to reside in His Majesty's dominions or to enter or continue in the service of the Crown.
- (2) The residence required by this section is residence in the United Kingdom for not less than one year immediately preceding the application, and previous residence, either in the United Kingdom or in some other part of His Majesty's dominions, for a period of four years within the last eight years before the application.
- (3) The grant of a certificate of naturalization to any such alien shall be in the absolute discretion of the Secretary of State, and he may, with or without assigning any reason, give or withhold the certificate as he thinks most conducive to the public good, and no appeal shall lie from his decision.
- (4) A certificate of naturalization shall not take effect until the applicant has taken the oath of allegiance.
- (5) In the case of a woman who was a British subject previously to her marriage to an alien, and whose husband has died or whose marriage has been dissolved, the requirements of this section as to the residence shall not apply and the Secretary of State may in any other special case, if he thinks fit, grant a certificate of naturalization, although the four years' residence or five years' service has not been within the last eight years before the application.

- 3.—(1) A person to whom a certificate of naturalization is granted by a Secretary of State shall, subject to the provisions of this Act, be entitled to all political and other rights, powers and privileges, and be subject to all obligations, duties and liabilities, to which a natural-born British subject is entitled or subject, and as from the date of his naturalization, have to all intents and purposes the status of a natural-born British subject.
- (2) Section three of the Act of Settlement (which disqualifies naturalized aliens from holding certain offices) shall have effect as if the words "naturalized or" were omitted therefrom.
- 4.—The Secretary of State may in his absolute discretion, in such cases as he thinks fit, grant a special certificate of naturalization to any person with respect to whose nationality as British subject a doubt exists, and he may specify in the certificate that the grant thereof is made for the purpose of quieting doubts as to the right of the person to be a British subject, and the grant of such a special certificate shall not be deemed to be any admission that the person to whom it was granted was not previously a British subject.
- 5.—(1) Where an alien obtains a certificate of naturalization, the Secretary of State may, if he thinks fit, on the application of that alien, include in the certificate the name of any child of the alien born before the date of the certificate and being a minor, and that child shall thereupon, if not already a British subject, become a British subject; but any such child may, within one year after attaining his majority, make a declaration of alienage, and shall thereupon cease to be a British subject.
- (2) The Secretary of State may, in his absolute discretion in any special case in which he thinks fit, grant a certificate of naturalization to any minor, although the conditions required by this Act have not been complied with.
- (3) Except as provided by this section, a certificate of naturalization shall not be granted to any person under disability.
- 6.—An alien who has been naturalized before the passing of this Act may apply to the Secretary of State for a certificate of naturalization under this Act, and the Secretary of State may grant to him a certificate on such terms and conditions as he may think fit.
- 7.—(1) Where it appears to the Secretary of State that a certificate of naturalization granted by him has been obtained by false repre-

sentations or fraud, the Secretary of State may by order revoke the certificate, and the order of revocation shall have effect from such date as the Secretary of State may direct.

- (2) Where the Secretary of State revokes a certificate of naturalization, he may order the certificate to be given up and cancelled, and any person refusing or neglecting to give up the certificate shall be liable on summary conviction to a fine not exceeding one hundred pounds.

- 8.—(1) The government of any British possession shall have the same power to grant a certificate of naturalization as the Secretary of State has under this Act, and the provisions of this Act as to the grant and revocation of such a certificate shall apply accordingly, with the substitution of the Government of the possession for the Secretary of State, and the possession for the United Kingdom, and also, in a possession where any language is recognized as on an equality with the English language, with the substitution of the English language or that language for the English language:

Provided that, in any British possession other than British India and a dominion specified in the first schedule to this Act, the powers of the government of the possession under this section shall be exercised by the Governor or a person acting under his authority, but shall be subject in each case to the approval of the Secretary of State, and any certificate proposed to be granted shall be submitted to him for his approval.

- (2) Any certificate of naturalization granted under this section shall have the same effect as a certificate of naturalization granted by the Secretary of State under this Act.

- 9.—(1) This part of this Act shall not, nor shall any certificate of naturalization granted thereunder, have effect within any of the dominions specified in the first schedule to this Act, unless the legislature of that dominion adopts this part of this Act.

- (2) Where the legislature of any such dominion has adopted this part of this Act, the government of the dominion shall have the like powers to make regulations with respect to certificates of naturalization and to oaths of allegiance as are conferred by this Act on the Secretary of State.

- (3) The legislature of any such dominion which adopts this part of this Act may provide how and by what department of the Govern-

ment the powers conferred by this part of this Act on the government of a British possession are to be exercised.

- (4) The legislature of any such dominion may at any time rescind the adoption of this part of this Act, provided that no such rescission shall prejudicially affect any legal rights existing at the time of such rescission.

### PART III.

#### GENERAL.

##### *National Status of Married Woman and Infant Children.*

- 10.—The wife of a British subject shall be deemed to be a British subject, and the wife of an alien shall be deemed to be an alien: Provided that where a man ceases during the continuance of his marriage to be a British subject it shall be lawful for his wife to make a declaration that she desires to retain British nationality, and thereupon she shall be deemed to remain a British subject.
- 11.—A woman who, having been a British subject, has by, or in consequence of, her marriage become an alien, shall not, by reason only of the death of her husband, or the dissolution of her marriage, cease to be an alien, and a woman who, having been an alien, has by, or in consequence of, her marriage become a British subject, shall not, by reason only of the death of her husband or the dissolution of her marriage, cease to be a British subject.
- 12.—(1) Where a person being a British subject ceases to be a British subject, whether by declaration of alienage or otherwise, every child of that person, being a minor shall thereupon cease to be a British subject, unless such child, on that person ceasing to be a British subject, does not become by the law of any other country naturalized in that country.
- Provided that, where a widow who is a British subject marries an alien, any child of hers by her former husband shall not, by reason only of her marriage, cease to be a British subject, whether he is residing outside His Majesty's dominions or not.
- (2) Any child who has ceased to be a British subject may, within one year after attaining his majority, make a declaration that he wishes to resume British nationality, and shall thereupon again become a British subject.

*Loss of British Nationality.*

- 13.—A British subject who, when in any foreign state and not under disability, by obtaining a certificate of naturalization, or by any other voluntary and formal act becomes naturalized therein, shall thenceforth be deemed to have ceased to be a British subject.
- 14.—(1) Any person who by reason of his having been born within His Majesty's dominions and allegiance or on board a British ship is a natural-born British subject, but who at his birth or during his minority became under the law of any foreign state a subject also of that state, and is still such a subject, may, if of full age and not under disability, make a declaration of alienage, and on making the declaration shall cease to be a British subject.  
(2) Any person who though born out of His Majesty's dominions is a natural-born British subject may, if of full age and not under disability, make a declaration of alienage, and on making the declaration shall cease to be a British subject.
- 15.—Where His Majesty has entered into a convention with any foreign state to the effect that the subjects or citizens of that state to whom certificates of naturalization have been granted may divest themselves of their status as such subjects, it shall be lawful for His Majesty, by Order in Council, to declare that the convention has been entered into by His Majesty; and from and after the date of the Order any person having been originally a subject or citizen of the state therein referred to, who has been naturalized as a British subject, may, within the limit of time provided in the convention, make a declaration of alienage, and on his making the declaration he shall be regarded as an alien and as a subject of the state to which he originally belonged as aforesaid.
- 16.—Where any British subject ceases to be a British subject, he shall not thereby be discharged from any obligation, duty or liability in respect of any act done before he ceased to be a British subject.

*Status of Aliens.*

- 17.—Real and personal property of every description may be taken, acquired, held and disposed of by an alien in the same manner in all respects as by a natural-born British subject; and a title to real and personal property of every description may be derived

through, from or in succession to an alien in the same manner in all respects as through, from or in succession to a natural-born British subject:

Provided that this section shall not operate so as to—

- (1) Confer any right on an alien to hold real property situate out of the United Kingdom; or
- (2) Qualify an alien for any office or for any municipal parliamentary, or other franchise; or
- (3) Qualify an alien to be the owner of a British ship; or
- (4) Entitle an alien to any right or privilege as a British subject, except such rights and privileges in respect of property as are hereby expressly given to him; or
- (5) Affect any estate or interest in real or personal property to which any person has or may become entitled, either mediately or immediately, in possession or expectancy, in pursuance of any disposition made before the twelfth day of May eighteen hundred and seventy, or in pursuance of any devolution by law on the death of any person dying before that day.

18.—An alien shall be triable in the same manner as if he were a natural-born British subject.

*Procedure and Evidence.*

- 19.—(1) The Secretary of State may make regulations generally for carrying into effect the objects of this Act, and in particular with respect to the following matters:
- (a) The form and registration of certificates of naturalization granted by the Secretary of State:
  - (b) The form and registration of declarations of alienage and declarations of resumption or retention of British nationality:
  - (c) The registration by officers in the diplomatic or consular service of His Majesty of the births and deaths of British subjects born or dying out of His Majesty's dominions:
  - (d) The time within which the oath of allegiance is to be taken after the grant of a certificate of naturalization:
  - (e) The persons by whom the oath of allegiance may be administered, and the persons before whom declarations of alienage and declarations of resumption of British nationality may be made:

- (f) Whether or not oaths of allegiance are to be subscribed as well as taken, and the form in which the taking and subscription are to be attested:
  - (g) The registration of oaths of allegiance:
  - (h) The persons by whom certified copies of oaths of allegiance may be given; and the proof in any legal proceeding of any such oaths:
  - (i) The transmission to the United Kingdom, for the purpose of registration or safe keeping or of being produced as evidence, of any declarations, certificates or oaths made, granted or taken out of the United Kingdom in pursuance of this Act or of any Act hereby repealed, or of any copies thereof, also of copies of entries contained in any register kept out of the United Kingdom in pursuance of this Act or any Act hereby repealed:
  - (j) With the consent of the Treasury, the imposition and application of fees in respect of any registration authorized to be made by this Act or any Act hereby repealed, and in respect of the making of any declaration or the grant of any certificate authorized to be made or granted by this Act or any Act hereby repealed, and in respect of the administration or registration of any oath: Provided that in the case of a woman who was a British subject previously to her marriage to an alien, and whose husband has died or whose marriage has been dissolved, the fee for the grant of a certificate shall not exceed five shillings.
- (2) Any regulation made by the Secretary of State in pursuance of this Act shall be of the same force as if it had been enacted therein, but shall not, so far as respects the imposition of fees, be in force in any British possession, and shall not, so far as respects any other matter, be in force in any British possession in which any Act or ordinance, or, in the case of a dominion specified in the first schedule to this Act, any regulation made by the government of the dominion under Part II of this Act, to the contrary of, or inconsistent with, any such regulation may for the time being be in force.
- (3) Any regulations made by the Secretary of State under any Act hereby repealed shall continue in force and be deemed to have been made under this Act.



20. Any declaration made under this Act or under any Act hereby repealed may be proved in any legal proceeding by the production of the original declaration or of any copy thereof certified to be a true copy by the Secretary of State, or by any person authorized by him in that behalf, and the production of the declaration or copy shall be evidence of the person therein named as declarant having made the declaration at the date therein mentioned.
21. A certificate of naturalization may be proved in any legal proceeding by the production of the original certificate or of any copy thereof certified to be a true copy by the Secretary of State, or by any person authorized by him in that behalf.
22. Entries in any register made in pursuance of this Act or under any Act hereby repealed may be proved by such copies and certified in such manner as may be directed by the Secretary of State, and the copies of any such entries shall be evidence of any matters, by this Act or by any Act hereby repealed or by any regulation of the Secretary of State, authorized to be inserted in the register.
23. If any person for any of the purposes of this Act knowingly makes any false representation or any statement false in a material particular, he shall, in the United Kingdom, be liable on summary conviction in respect of each offence to imprisonment with or without hard labor for any term not exceeding three months.
24. The oath of allegiance shall be in the form set out in the second schedule to this Act.

*Supplemental.*

25. Nothing in this Act shall affect the grant of letters of denization by His Majesty.
- 26.—(1) Nothing in this Act shall take away or abridge any power vested in, or exercisable by, the legislature or government of any British possession, or affect the operation of any law at present in force which has been passed in exercise of such a power, or prevent any such legislature or government from treating differently different classes of British subjects.
- (2) All laws, statutes and ordinances made by the legislature of a British possession for imparting to any person any of the privileges of naturalization to be enjoyed by him within the limits of that possession shall, within those limits, have the authority of law.
- (3) Where any parts of His Majesty's dominions are under both a

central and a local legislature, the expression "British possession" shall, for the purposes of this section, include both all parts under the central legislature and each part under a local legislature: Provided that nothing in this provision shall be construed as validating any law, statute or ordinance with respect to naturalization made by any such local legislature in any case where the central legislature possesses exclusive legislative authority with respect to naturalization.

27.—(1) In this Act, unless the context otherwise requires,—

The expression "British subject" means a person who is a natural-born British subject, or a person to whom a certificate of naturalization has been granted:

The expression "alien" means a person who is not a British subject:

The expression "certificate of naturalization" means a certificate of naturalization granted under this Act or under any other Act repealed by this or any other Act:

The expression "disability" means the status of being a married woman, or a minor, lunatic, or idiot:

The expression "territorial waters" includes any port, harbor, or dock.

(2) Where in pursuance of this Act the name of a child is included in a certificate of naturalization granted to his parent, such child shall, for the purposes of this Act, be deemed to be a person to whom a certificate of naturalization has been granted.

28.—(1) The enactments mentioned in the third schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

(2) This Act may be cited as the British Nationality and Status of Aliens Act, 1914.

(3) This Act shall come into operation on the first of January nineteen hundred and fifteen.

#### SCHEDULES.

##### FIRST SCHEDULE.

##### *List of Dominions.*

The Dominion of Canada.

The Commonwealth of Australia (including for the purposes of this Act the territory of Papua and Norfolk Island).

The Dominion of New Zealand.  
The Union of South Africa.  
Newfoundland.

: SECOND SCHEDULE.

*Oath of Allegiance.*

I, *A. B.*, swear by Almighty God that I will be faithful and bear true allegiance to His Majesty, King George the Fifth, his Heirs and Successors, according to law.

THIRD SCHEDULE.

*Enactments Repealed.*

| Session and Chapter    | Title or Short Title                                                                               | Extent of Repeal                                                     |
|------------------------|----------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| 25 Edw. 3, stat. 1.    | Statute for those who are born in parts beyond the seas.                                           | From "and in the right of other children" to the end of the statute. |
| 42 Edw. 3, c. 10.      | A statute made at Westminster on the first day of May in the forty-second year of King Edward III. | The whole chapter.                                                   |
| 12 & 13 Will. 3, c. 2. | The Act of Settlement.                                                                             | In section three the words "naturalized or."                         |
| 7 Anne, c. 5.          | The Foreign Protestants (Naturalization) Act, 1708.                                                | The whole Act.                                                       |
| 4 Geo. 2, c. 21.       | The British Nationality Act, 1730.                                                                 | The whole Act.                                                       |
| 13 Geo. 3, c. 21.      | The British Nationality Act, 1772.                                                                 | The whole Act.                                                       |
| 33 & 34 Vict. c. 14.   | The Naturalization Act, 1870.                                                                      | The whole Act.                                                       |
| 33 & 34 Vict. c. 102.  | The Naturalization Oath Act, 1870.                                                                 | The whole Act.                                                       |
| 58 & 59 Vict. c. 43.   | The Naturalization Act, 1895.                                                                      | The whole Act.                                                       |

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- German support of direct negotiations between Austria and Russia. *E43*, 8:288; *E71*, 8:308; *E93*, 8:325; *F81*, 230; *F92*, 237; *F94*, 239; *G. Mem.* 8:378; *G14*, 8:404; *G15*, 8:404; *G19*, 8:405; *G20*, 8:406; *G22*, 8:407; *R51*, 33.
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**SUPPLEMENT**

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**DIPLOMATIC CORRESPONDENCE BETWEEN THE UNITED STATES  
AND BELLIGERENT GOVERNMENTS RELATING TO  
NEUTRAL RIGHTS AND COMMERCE**

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NOTE—This Supplement is separately paged and sewed, in order that these original texts may be bound by themselves.

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## NOTICE

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## PART I.

### *Declaration of London.*

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|     |                                                           | 1914.   |                                                                                                                             |       |
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|     | Chargé Wilson to the Secretary of State (telegram).       | Aug. 20 | Says Russian Government awaits decision of British Government regarding observation of provisions of Declaration of London. | 2     |
|     | Ambassador Gerard to the Secretary of State (telegram).   | Aug. 22 | Says German Government will observe provisions of Declaration of London if other belligerents will do same.                 | 2     |

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|     | Chargé Wilson to the Secretary of State (telegram).              | Aug. 27 | Says Russian Government accepts provisions of Declaration of London as adopted by England and France.                                                                                                                                                                            | 5     |
| 27  | Ambassador Herrick to the Secretary of State.                    | Sept. 3 | Says French Government agrees to observe provisions of Declaration of London with certain reservations.                                                                                                                                                                          | 7     |
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## PART II.

*Papers Relating to Articles Listed as Contraband of War.*

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|     | Ambassador Page to the Secretary of State (telegram).        | Sept. 30 | Transmits proclamation of British Government specifying certain additional articles to be treated as contraband.   | 10    |
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|     | Consul General Skinner to the Secretary of State (telegram). | Dec. 24  | Transmits proclamation of British Government containing radically amended contraband list.                         | 15    |
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|     |                                                             |         |                                                                                                                                                    |    |
|-----|-------------------------------------------------------------|---------|----------------------------------------------------------------------------------------------------------------------------------------------------|----|
|     |                                                             | 1914.   |                                                                                                                                                    |    |
| 154 | Ambassador Morgenthau to the Secretary of State.            | Dec. 18 | Transmits list of articles which will be treated as absolute or conditional contraband by the Turkish Government.                                  | 48 |
|     | Ambassador Morgenthau to the Secretary of State (telegram). | Dec. 22 | Transmits additions to Turkish absolute and conditional contraband lists.                                                                          | 50 |
| 161 | Ambassador Morgenthau to the Secretary of State.            | Dec. 24 | Transmits additional list of conditional contraband articles.                                                                                      | 51 |
|     |                                                             | 1915.   |                                                                                                                                                    |    |
| 170 | Ambassador Morgenthau to the Secretary of State.            | Jan. 5  | Transmits note from foreign office stating that the words "potassium compounds" in previous list are replaced by the words "muriate of potassium." | 51 |
| 243 | Ambassador Morgenthau to the Secretary of State.            | Mar. 12 | Transmits copy of list from La Turquie giving articles to be treated as contraband of war by Turkish Government.                                   | 52 |

## PART III.

*Correspondence Relating to Restraints on Commerce.*

| No. | From and to whom.                                                      | Date.            | Subject.                                                                                                                                                                                 | Page. |
|-----|------------------------------------------------------------------------|------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
|     | The Secretary of State to Ambassador Page (telegram).                  | 1914.<br>Dec. 26 | Transmits statement to be communicated to Secretary of State for Foreign Affairs protesting against seizures and detentions of American cargoes.                                         | 55    |
|     | The British Secretary of State for Foreign Affairs to Ambassador Page. | 1915.<br>Jan. 7  | Explains reasons for seizures and detentions of American cargoes. Says British Government is ready to enter into an arrangement by which mistakes can be avoided.                        | 60    |
|     | The British Secretary of State for Foreign Affairs to Ambassador Page. | Feb. 10          | Transmits full reply of British Government to Department's Dec. 28 protesting against seizures and detentions of American cargoes destined for European ports.                           | 65    |
| 525 | Ambassador Gerard to the Secretary of State.                           | Feb. 6           | Transmits copy of proclamation of German Admiralty of Feb. 4, 1915, declaring waters around Great Britain and Ireland as within the seat of war. Copy of memorial on subject.            | 83    |
|     | The Secretary of State to Ambassador Gerard (telegram).                | Feb. 10          | Transmits note for communication to German Government protesting against proclamation of German Admiralty of Feb. 4, 1915.                                                               | 86    |
|     | The Secretary of State to Ambassador Page (telegram).                  | Feb. 10          | Instructed to point out to British Government the serious consequences which may result if the use of neutral flags on British merchant vessels in order to avoid capture is authorized. | 88    |



*Correspondence Relating to Restraints on Commerce—Continued.*

| No.  | From and to whom.                                             | Date.   | Subject.                                                                                                                                                                                                            | Page. |
|------|---------------------------------------------------------------|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
|      |                                                               | 1915.   |                                                                                                                                                                                                                     |       |
|      | The German Minister for Foreign Affairs to Ambassador Gerard. | Feb. 16 | German Government says measures respecting theater of war in waters surrounding Great Britain necessary because of England's method of conducting maritime war.                                                     | 90    |
| 1674 | Ambassador Page to the Secretary of State.                    | Feb. 19 | Transmits reply of British Government relative to proclamation of German Admiralty and use of neutral flags on British merchant ships.                                                                              | 96    |
| 1169 | The Secretary of State to Ambassador Page (telegram).         | Feb. 20 | Transmits note for communication to the Foreign Office regarding war-zone declaration by Germany and use of neutral flags by British Government, and suggests certain agreement to be entered into by belligerents. | 97    |
|      | The Secretary of State to Ambassador Gerard (telegram).       | Feb. 20 | Same as above.                                                                                                                                                                                                      | 97    |
| 1717 | Ambassador Gerard to the Secretary of State.                  | Mar. 1  | Transmits reply of German Government to American identic note of Feb. 20, 1915, to Great Britain and Germany.                                                                                                       | 99    |
|      | The British Ambassador to the Secretary of State.             | Mar. 1  | Refers to war-zone declaration of German Government. Says British Government will be forced to take measures to prevent commodities of any kind from reaching or leaving Germany.                                   | 101   |
| 1233 | The Secretary of State to Ambassador Page (telegram).         | Mar. 5  | Transmits statement for communication to foreign office pointing out difficulty of determining action regarding retaliatory measures against German commerce.                                                       | 102   |
|      | Ambassador Sharp to the                                       | Mar. 14 | Transmits reply of French                                                                                                                                                                                           | 104   |

*Correspondence Relating to Restraints on Commerce—Continued.*

| No.   | From and to whom.                                     | Date.   | Subject.                                                                                                                                                                                                              | Page. |
|-------|-------------------------------------------------------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
|       | Secretary of State (telegram).                        | 1915.   | Government to American identic note of Mar. 15, 1915, to British and French Governments.                                                                                                                              |       |
| 1795  | Ambassador Page to the Secretary of State (telegram). | Mar. 15 | Transmits reply of British Government to American identic note of Feb. 20, 1915.                                                                                                                                      | 106   |
| 1798  | Ambassador Page to the Secretary of State (telegram). | Mar. 15 | Transmits reply of British Government to American note of Mar. 5, and text of British Order in Council setting forth measures of retaliation against Germany.                                                         | 109   |
| 407   | Ambassador Sharp to the Secretary of State.           | Mar. 30 | Transmits text of decree relative to treatment of merchandise belonging to Germans coming from or shipped to Germany.                                                                                                 | 112   |
| 1343  | The Secretary of State to Ambassador Page (telegram). | Mar. 30 | Transmits note for communication to British Government explaining United States attitude regarding proposed retaliatory measures against German commerce and British Order in Council.                                | 116   |
|       | Consul General Skinner to the Secretary of State.     | Apr. 7  | Transmits copy of British Order in Council. . . . .                                                                                                                                                                   | 122   |
| A2341 | The German Ambassador to the Secretary of State.      | Apr. 4  | Transmits memorandum regarding the matter of German-American trade and the question of delivery of arms.                                                                                                              | 125   |
| 1379  | The Secretary of State to the German Ambassador.      | Apr. 21 | Gives views of United States regarding trade between the United States and Germany and exportation of arms.                                                                                                           | 127   |
| 1664  | The Secretary of State to Ambassador Gerard.          | May 13  | Transmits note for communication to the German Government protesting against violation by the German authorities of American rights on the high seas which culminated in the torpedoing and sinking of the Lusitania. | 129   |

*Correspondence Relating to Restraints on Commerce—Continued.*

| No. | From and to whom.                                                         | Date.   | Subject.                                                                                                                                       | Page. |
|-----|---------------------------------------------------------------------------|---------|------------------------------------------------------------------------------------------------------------------------------------------------|-------|
|     |                                                                           | 1915.   |                                                                                                                                                |       |
|     | The German Minister for Foreign Affairs to Ambassador Gerard.             | May 28  | Communicates reply of German Government to Department's note of May 15 protesting against German submarine warfare.                            | 133   |
|     | The German Minister for Foreign Affairs to Ambassador Gerard.             | June 1  | Informs Embassy regarding investigation made by the German Government relative to the American steamers <i>Gulflight</i> and <i>Cushing</i> .  | 136   |
|     | The Secretary of State to Ambassador Gerard (telegram).                   | June 9  | Transmits note for communication to the German Government regarding the adoption of measures for the safeguarding of American lives and ships. | 138   |
|     | Ambassador Page to the Secretary of State (ad interim).                   | June 22 | Transmits text of memorandum from British Foreign Office relative to the detention of American cargoes bound for neutral ports.                | 141   |
|     | The Austro-Hungarian Minister for Foreign Affairs to Ambassador Fenfield. | June 29 | Asks United States to reconsider its attitude on traffic in munitions of war between United States and Great Britain and her allies.           | 146   |
|     | The German Minister for Foreign Affairs to Ambassador Gerard.             | July 8  | Communicates reply of German Government to Department's note protesting against German submarine warfare.                                      | 149   |
|     | The Secretary of State to Ambassador Page (telegram).                     | July 14 | Instructs Embassy to communicate to British Government views of United States regarding prize-court proceedings.                               | 153   |
|     | The Secretary of State to Ambassador Page (telegram).                     | July 15 | Instructs Embassy to protest against seizure by British Government of cargo of steamship <i>Neches</i> sailing from Rotterdam.                 | 154   |

*Correspondence Relating to Restraints on Commerce—Continued.*

| No. | From and to whom.                                       | Date.   | Subject.                                                                                                                                                      | Page. |
|-----|---------------------------------------------------------|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
|     |                                                         | 1915.   |                                                                                                                                                               |       |
|     | The Secretary of State to Ambassador Gerard (telegram). | July 21 | Transmits for communication to German Government reply to Foreign Office note of July 8 relative to Germany's submarine policy.                               | 155   |
|     | Ambassador Page to the Secretary of State (telegram).   | July 24 | Transmits text of reply from British Foreign Office relative to complaints against British restrictions on commerce.                                          | 157   |
|     | Ambassador Page to the Secretary of State (telegram).   | July 31 | Transmits note from British Foreign Office giving reasons for the detention of the cargo of the steamship <i>Neches</i> .                                     | 162   |
|     | Ambassador Page to the Secretary of State.              | July 31 | Transmits note from British Foreign Office regarding the difference of views of the United States and Great Britain in the matter of prize-court proceedings. | 163   |
| 846 | The Secretary of State to Ambassador Penfield.          | Aug. 12 | Instructed to inform Foreign Office of reasons the United States cannot prohibit trade in contraband.                                                         | 166   |

## PART IV.

*Foodstuffs Cargo of the American Ship Wilhelmina in British Prize Court.*

|      |                                                       |         |                                                                                                                                                                                 |     |
|------|-------------------------------------------------------|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
|      |                                                       | 1915.   |                                                                                                                                                                                 |     |
| 1134 | The Secretary of State to Ambassador Page (telegram). | Feb. 15 | Instructed to bring to the attention of the British Government certain points in connection with the cargo of the <i>Wilhelmina</i> which would make her seizure unjustifiable. | 173 |
| 1672 | Ambassador Page to the Secretary of State (telegram). | Feb. 19 | Transmits reply of British Government to Department's protest regarding the seizure of the <i>Wilhelmina</i> .                                                                  | 176 |

*Foodstuffs Cargo of the American Ship Wilhelmina in British  
Prize Court—Continued.*

| No.  | From and to whom.                          | Date.  | Subject.                                                                                                 | Page. |
|------|--------------------------------------------|--------|----------------------------------------------------------------------------------------------------------|-------|
| 1903 | Ambassador Page to the Secretary of State. | Apr. 8 | Reports British terms of settlement in Wilhelmina case and says attorneys strongly recommend acceptance. | 178   |

PART V.

*Destruction of American Merchantman William P. Frye by German Cruiser  
Prinz Eitel Friedrich.*

|      |                                                         |         |                                                                                                                                                                                      |     |
|------|---------------------------------------------------------|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
|      |                                                         | 1915.   |                                                                                                                                                                                      |     |
| 1446 | The Secretary of State to Ambassador Gerard (telegram). | Mar. 31 | Instructed to present claim of owners and captain for destruction of American ship William P. Frye by the German cruiser Prinz Eitel Friedrich.                                      | 180 |
| 1984 | Ambassador Gerard to the Secretary of State (telegram). | Apr. 5  | Transmits reply of German Government regarding claim for sinking of the William P. Frye by the Prinz Eitel Friedrich.                                                                | 181 |
| 1583 | The Secretary of State to Ambassador Gerard.            | Apr. 28 | Inform German Government that United States thinks William P. Frye claim should be settled by diplomatic negotiations and not be submitted to a prize court as suggested.            | 182 |
|      | Ambassador Gerard to the Secretary of State (telegram). | June 7  | Transmits text of reply of the German Government in the <i>Frye</i> case.                                                                                                            | 184 |
|      | The Secretary of State to Ambassador Gerard (telegram). | June 24 | Instructed to inform Foreign Office that the United States objects to resorting to the Prize Court in <i>Frye</i> case, and to suggest settlement by direct diplomatic negotiations. | 185 |

*Destruction of American Merchantman William P. Frye by the German Cruiser Prinz Eitel Friedrich—Continued.*

| No.  | From and to whom.                                       | Date.   | Subject.                                                                                                        | Page. |
|------|---------------------------------------------------------|---------|-----------------------------------------------------------------------------------------------------------------|-------|
| 2057 | Ambassador Gerard to the Secretary of State (telegram). | July 30 | Transmits text of note from German Foreign Office setting forth views of German Government in <i>Frye</i> case. | 188   |
|      | The Secretary of State to Ambassador Gerard.            | Aug. 10 | Instructed to inform Foreign Office of terms of settlement acceptable to United States.                         | 191   |

PART VI.

*Proclamations of Neutrality and Papers relating to Neutrality.*

|       |                 |                                |     |
|-------|-----------------|--------------------------------|-----|
| ..... | 1915.<br>May 24 | Proclamation by the President. | 194 |
|-------|-----------------|--------------------------------|-----|

AMERICAN NEUTRALITY—AN APPEAL BY THE PRESIDENT.

|       |                  |                                                                |     |
|-------|------------------|----------------------------------------------------------------|-----|
| ..... | 1914.<br>Aug. 18 | Requests the assistance of citizens in maintaining neutrality. | 199 |
|-------|------------------|----------------------------------------------------------------|-----|

NEUTRALITY IN THE WATERS OF THE ISTHMUS OF PANAMA.

|       |                  |                       |     |
|-------|------------------|-----------------------|-----|
| ..... | 1914.<br>Oct. 10 | Text of protocol..... | 200 |
|-------|------------------|-----------------------|-----|

PROCLAMATION OF NEUTRALITY—PANAMA CANAL ZONE.

|       |                  |                               |     |
|-------|------------------|-------------------------------|-----|
| ..... | 1914.<br>Nov. 13 | Proclamation by the President | 201 |
|-------|------------------|-------------------------------|-----|

PREVENTION OF THE VIOLATION OF NEUTRALITY.

|       |                 |                                       |     |
|-------|-----------------|---------------------------------------|-----|
| ..... | 1915.<br>Mar. 4 | Text of Joint Resolution of Congress. | 205 |
|-------|-----------------|---------------------------------------|-----|

## PART VII.

*Violation of Neutrality—Panama Canal.*

| No. | From and to whom.                                        | Date.   | Subject.                                                                                                                                                                                      | Page. |
|-----|----------------------------------------------------------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
|     |                                                          | 1914.   |                                                                                                                                                                                               |       |
| 422 | The British Ambassador to the Secretary of State.        | Dec. 18 | Transmits statement from the British Minister in Panama regarding reported violation of neutrality of Panama Canal by British ships.                                                          | 207   |
|     | The German Ambassador to the Counselor.                  | Dec. 21 | Refers to desire of British steamers <i>Mallina</i> and <i>Tremeadow</i> , British tenders, desiring coal and right to sail, and says case seems identical with German S. S. <i>Locksun</i> . | 209   |
|     | The Secretary of State to the British Ambassador.        | Dec. 23 | Says Department is giving attention to Embassy's note regarding matter of violation of Panama Canal Zone neutrality.                                                                          | 209   |
|     | The Counselor to the German Ambassador.                  | Dec. 23 | Says the British steamships <i>Mallina</i> and <i>Tremeadow</i> are considered by the Canal Zone authorities as coming under Rule 2 of Proclamation of Nov. 13.                               | 209   |
| 448 | The British Ambassador to the Secretary of State.        | Dec. 25 | Transmits a further report from the British Minister at Panama regarding violation of neutrality of Panama Canal Zone.                                                                        | 210   |
|     |                                                          | 1915.   |                                                                                                                                                                                               |       |
|     | The Acting Secretary of State to the British Ambassador. | Jan. 2  | Acknowledges above note and says it will receive the Department's attentive consideration, together with previous correspondence on the subject.                                              | 211   |

## PART VIII.

*Violations of Neutrality by Belligerent Warships.*

| No.           | From and to whom.                                        | Date.    | Subject.                                                                                                                                                                                               | Page. |
|---------------|----------------------------------------------------------|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
|               |                                                          | 1914.    |                                                                                                                                                                                                        |       |
|               | The British Ambassador to the Counselor.                 | Sept. 24 | Says British ships have been instructed not to request supplies from New York.                                                                                                                         | 212   |
|               | The German Ambassador to the Secretary of State.         | Oct. 21  | Says Embassy is advised that British warship <i>Essex</i> is receiving supplies and asks that investigation be made.                                                                                   | 212   |
| 371           | The British Ambassador to the Secretary of State.        | Oct. 31  | Refers to conduct of the Italian steamship <i>Amista</i> and asks that an effort be made to prevent neutral ships from leaving American ports with supplies for enemy.                                 | 213   |
|               | The Acting Secretary of State to the British Ambassador. | Nov. 2   | Says destination of Italian steamship <i>Amista</i> will be investigated, and states in this connection that careful investigation is made of every suspicious case of vessels leaving American ports. | 214   |
| 1133          | The Acting Secretary of State to the German Ambassador.  | Nov. 23  | Says further investigation will be made if Embassy can supply evidence regarding the furnishing of supplies to the British cruiser <i>Essex</i> .                                                      | 215   |
| J. A.<br>2985 | The German Ambassador to the Secretary of State.         | Dec. 15  | Transmits memorandum from German Government on subject of the delivery of coal to warships of belligerent States.                                                                                      | 215   |
|               | The Secretary of State to the German Ambassador.         | Dec. 24  | Acknowledges above memorandum and defines policy of the United States relative to the delivery of coal and other necessities to warships of belligerent States.                                        | 217   |



*Violations of Neutrality by Belligerent Warships—Continued.*

| No. | From and to whom.                                 | Date.   | Subject.                                                                                                                                                               | Page. |
|-----|---------------------------------------------------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
|     |                                                   | 1915.   |                                                                                                                                                                        |       |
|     | The British Ambassador to the Secretary of State. | Mar. 24 | Says British ships have been instructed to strictly observe United States neutrality regulations.                                                                      | 219   |
|     | The Secretary of State to the British Ambassador. | Mar. 27 | Refers to conduct of the British cruisers <i>Bellerophon</i> and <i>Rainbow</i> ; asks that investigation be made and instructions given to prevent future violations. | 220   |
|     | The British Ambassador to the Secretary of State. | Mar. 29 | Acknowledges above and says matter will be brought to the attention of his Government.                                                                                 | 220   |
|     | The British Ambassador to the Secretary of State. | Apr. 5  | Sends extract from letter of Admiral in command of North American station regarding provisioning, etc., of British ships.                                              | 221   |

## PART IX.

*Defensive Armament and the Right of Departure from Neutral Ports of Belligerent Merchant Ships to Arm at Sea.*

|     |                                               |         |                                                                                                                                    |     |
|-----|-----------------------------------------------|---------|------------------------------------------------------------------------------------------------------------------------------------|-----|
|     |                                               | 1914.   |                                                                                                                                    |     |
| 252 | The British Chargé to the Secretary of State. | Aug. 4  | Communicates views of British Government relative to the arming of merchant vessels in neutral waters.                             | 222 |
| 259 | The British Chargé to the Secretary of State. | Aug. 9  | Transmits further communication explaining position taken by the British Government relative to the question of armed merchantmen. | 223 |
| 264 | The British Chargé to the Secretary of State. | Aug. 12 | Says British Government has communicated to practically all neutral countries information similar to above.                        | 224 |

*Defensive Armament and the Right of Departure from Neutral Ports of Belligerent Merchant Ships to Arm at Sea—Continued.*

| No. | From and to whom.                                 | Date.   | Subject.                                                                                                                                                                                  | Page. |
|-----|---------------------------------------------------|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
|     |                                                   | 1914.   |                                                                                                                                                                                           |       |
|     | The Secretary of State to the British Chargé.     | Aug. 19 | Acknowledges communications relative to question of the arming of merchant vessels in neutral waters and defines attitude of United States relative thereto.                              | 224   |
|     | The Secretary of State to the British Chargé.     | Aug. 20 | Acknowledges Embassy's 259 and says Department's note of 19th expresses views on subject of armed merchantmen.                                                                            | 229   |
| 289 | The British Ambassador to the Secretary of State. | Aug. 25 | Refers to previous correspondence on subject of armed merchantmen, and says British merchant vessels are armed only for defense.                                                          | 230   |
|     | The Secretary of State to the British Ambassador. | Aug. 29 | Acknowledges receipt of above note.                                                                                                                                                       | 230   |
| 302 | The British Ambassador to the Secretary of State. | Sept. 4 | Says instructions have been given for the British ship <i>Merrion</i> to land her guns, British ship <i>Adriatic</i> having already sailed.                                               | 231   |
|     | Memorandum from the British Embassy.              | Sept. 7 | Says British ship <i>Adriatic</i> which left New York September 3 is on a peaceful commercial voyage and armed solely for defensive purposes.                                             | 232   |
|     | Memorandum from the British Embassy.              | Sept. 9 | Refers to German policy of arming merchant ships, and says if United States takes view that British merchant ships should not carry defensive armament trade of two countries may suffer. | 232   |
|     | Memorandum from the British Embassy.              | Sept. 9 | States unavoidable injury may ensue if British merchant vessels are not permitted purely defensive armament.                                                                              | 233   |

*Defensive Armament and the Right of Departure from Neutral Ports of Belligerent Merchant Ships to Arm at Sea—Continued.*

| No. | From and to whom.                                              | Date.    | Subject.                                                                                                                                                             | Page. |
|-----|----------------------------------------------------------------|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
|     |                                                                | 1914.    |                                                                                                                                                                      |       |
|     | The Acting Secretary of State to the German Ambassador.        | Sept. 19 | Transmits copies of two Memoranda defining the rules which will be followed in cases involving status of armed merchant vessels visiting ports of the United States. | 234   |
|     | The Acting Secretary of State to the British Ambassador.       | Sept. 19 | Same as above. . . . .                                                                                                                                               | 234   |
|     | The Acting Secretary of State to the French Ambassador.        | Sept. 19 | Do. . . . .                                                                                                                                                          | 234   |
|     | The Acting Secretary of State to the Japanese Ambassador.      | Sept. 19 | Do. . . . .                                                                                                                                                          | 234   |
|     | The Acting Secretary of State to the Belgian Minister.         | Sept. 19 | Do. . . . .                                                                                                                                                          | 234   |
| 500 | The Acting Secretary of State to the British Ambassador.       | Sept. 26 | Refers to Embassy's August 4 and says Department has published a statement on subject of armed merchantmen.                                                          | 237   |
| 143 | The Secretary of State to Ambassador Gerard.                   | Sept. 29 | Transmits copies of Memoranda on subject of armed merchant ships with instructions to communicate to German Government.                                              | 237   |
|     | Ambassador Gerard to the Secretary of State (telegram).        | Oct. 15  | Communicates views of German Government on subject of armed merchant ships visiting neutral waters.                                                                  | 238   |
|     | The Acting Secretary of State to Ambassador Gerard (telegram). | Nov. 7   | Says Department dissents from view of German Government relative to treatment to be accorded to armed merchant vessels in neutral ports.                             | 238   |

## PART X.

*Internment of the German Ships Geier and Locksun.*

| No. | From and to whom.                                                  | Date.   | Subject.                                                                                                                                                                                               | Page. |
|-----|--------------------------------------------------------------------|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 369 |                                                                    | 1914.   |                                                                                                                                                                                                        |       |
|     | The British Ambassador to the Secretary of State.                  | Oct. 28 | Requests that German war-ship <i>Geier</i> , undergoing repairs at Honolulu, be interned and suggests there is ground for detaining the German coal-laden ship <i>Locksun</i> at Honolulu for inquiry. | 241   |
|     | The Japanese Ambassador to the Counselor.                          | Oct. 28 | Requests further information regarding the disposition of the <i>Geier</i> .                                                                                                                           | 241   |
|     | The Assistant Secretary of the Treasury to the Secretary of State. | Oct. 28 | Forwards report on the condition of the <i>Geier</i> .                                                                                                                                                 | 242   |
|     | The Acting Secretary of State to Ambassador Guthrie.               | Oct. 30 | States that captain of the <i>Geier</i> has been notified that repairs must be made within definite time or vessel will be interned.                                                                   | 243   |
|     | The Counselor to the German Ambassador.                            | Oct. 30 | Reviews facts concerning the <i>Geier</i> and states the period that has been fixed for the completion of repairs.                                                                                     | 243   |
|     | The Counselor to the Japanese Ambassador.                          | Oct. 30 | States that the German Ambassador has been informed of Government's intention to fix definite period within which repairs of the <i>Geier</i> should be completed.                                     | 244   |
|     | The Acting Secretary of State to the British Ambassador.           | Oct. 30 | Reviews the status of the <i>Geier</i> and states that instructions have been issued to detain the <i>Locksun</i> pending an investigation.                                                            | 244   |
|     | The Counselor to the German Ambassador.                            | Nov. 7  | States that the <i>Locksun</i> may reasonably be considered a tender to the <i>Geier</i> and that the Government has taken steps to have her interned if she does not leave immediately.               | 245   |

*Internment of the German Ships Geier and Locksun—Continued.*

| No.          | From and to whom.                                         | Date.   | Subject.                                                                                                                                                                                                   | Page. |
|--------------|-----------------------------------------------------------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
|              |                                                           | 1914.   |                                                                                                                                                                                                            |       |
| J. No. A2171 | The German Ambassador to the Counselor of the Department. | Nov. 11 | Discusses the detention of the <i>Locksun</i> and inquires on which regulation it is based.                                                                                                                | 246   |
| A2190.       | The German Ambassador to the Secretary of State.          | Nov. 11 | Draws attention to 2 officers of the <i>Geier</i> who have been interned in the United States.                                                                                                             | 246   |
|              | The Secretary of State to the German Ambassador.          | Nov. 12 | Reports the internment of the <i>Geier</i> and <i>Locksun</i> .                                                                                                                                            | 247   |
|              | The Counselor of the Department to the German Ambassador. | Nov. 16 | States the principle on which the <i>Locksun</i> was interned.                                                                                                                                             | 247   |
| A2453        | The German Ambassador to the Secretary of State.          | Nov. 21 | Protests against internment of German steamship <i>Locksun</i> , and compares her status with that of the tug <i>Dalzell</i> which he says carried supplies to the British ship <i>Essex</i> .             | 248   |
|              | The Acting Secretary of State to the German Ambassador.   | Nov. 27 | Says Department considers officers and orderlies part of the complement of H. M. S. <i>Geier</i> and cannot release them as requested.                                                                     | 249   |
|              | The Secretary of State to the German Ambassador.          | Dec. 11 | Says Department must adhere to its decision regarding <i>Locksun</i> . Says if Embassy has evidence that the tug <i>Dalzell</i> supplied British ship <i>Essex</i> Department would be glad to receive it. | 250   |

## PART XI.

*Questions Relating to Neutrality—Correspondence between the Secretary of State and the Chairman of the Senate Committee on Foreign Relations.*

| No. | From and to whom.                        | Date.   | Subject.                                                                                                                                                                                          | Page. |
|-----|------------------------------------------|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
|     |                                          | 1915.   |                                                                                                                                                                                                   |       |
|     | Senator Stone to the Secretary of State. | Jan. 8  | Refers to complaints that the United States has shown partiality to Allied powers as against Germany and Austria, and asks to be informed regarding various points on which complaints are based. | 253   |
|     | The Secretary of State to Senator Stone. | Jan. 20 | Transmits reply to above and advises him relative to the various points of complaint.                                                                                                             | 255   |

## PART XII.

*Transmission of Mail of American Diplomatic and Consular Officers.*

|  |                                                             |         |                                                                                                                                                                  |     |
|--|-------------------------------------------------------------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
|  |                                                             | 1914.   |                                                                                                                                                                  |     |
|  | The Secretary of State to Ambassador Penfield (telegram).   | Nov. 25 | Submits for approval of Austrian Government proposed regulations for transmission of mail of American diplomatic and consular officers in belligerent territory. | 268 |
|  | The Secretary of State to Ambassador Page (telegram).       | Nov. 25 | Same as above . . . . .                                                                                                                                          | 268 |
|  | The Secretary of State to Ambassador Gerard (telegram).     | Nov. 25 | Do . . . . .                                                                                                                                                     | 268 |
|  | The Secretary of State to Ambassador Sharp.                 | Nov. 25 | Do . . . . .                                                                                                                                                     | 268 |
|  | The Secretary of State to Ambassador Guthrie (telegram).    | Nov. 25 | Do . . . . .                                                                                                                                                     | 268 |
|  | The Secretary of State to Ambassador Morgenthau (telegram). | Nov. 25 | Do . . . . .                                                                                                                                                     | 268 |
|  | The Secretary of State to Minister Vopicka (telegram).      | Nov. 25 | Do . . . . .                                                                                                                                                     | 268 |

*Transmission of Mail of American Diplomatic and Consular  
Officers—Continued.*

| No. | From and to whom.                                         | Date.   | Subject.                                                                                                          | Page. |
|-----|-----------------------------------------------------------|---------|-------------------------------------------------------------------------------------------------------------------|-------|
|     |                                                           | 1915.   |                                                                                                                   |       |
|     | The Secretary of State to Ambassador Sharp (telegram).    | Apr. 23 | Transmits Department's regulations for the transmission of diplomatic and consular correspondence.                | 269   |
|     | The Secretary of State to Ambassador Penfield (telegram). | May 20  | Says on account of Austria's prompt acquiescence in earlier proposal Department's Apr. 23 was not sent to Vienna. | 268   |

PART XIII.

*Censorship of Telegrams Transmitted by Cable and Wireless.*

|     |                                                       |                 |                                                                                                                                            |     |
|-----|-------------------------------------------------------|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------|-----|
|     | Executive Order.                                      | 1914.<br>Aug. 5 | Regulations regarding radio stations.                                                                                                      | 270 |
|     | The Secretary of State to Ambassador Page (telegram). | Aug. 15         | Says Western Union Telegraph Co., protests against cable censorship and instructs him to endeavor to secure modifications of restrictions. | 270 |
|     | The Secretary of State to Ambassador Page (telegram). | Aug. 22         | Instructs Embassy to make representations to Foreign Office looking to removal of embargo on cable repetitions and corrections.            | 271 |
| 419 | Ambassador Page to the Secretary of State (telegram). | Aug. 24         | Transmits note from British Foreign Office on subject of messages passing over Atlantic cables.                                            | 271 |
|     | Ambassador Page to the Secretary of State (telegram). | Aug. 27         | Asks that all foreign missions be advised that British censor regulations allow only diplomatic messages to go in cipher.                  | 272 |

*Censorship of Telegrams Transmitted by Cable and Wireless—Continued.*

| No. | From and to whom.                                            | Date.    | Subject.                                                                                                                                              | Page. |
|-----|--------------------------------------------------------------|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
|     |                                                              | 1914.    |                                                                                                                                                       |       |
|     | The Secretary of State to Ambassador Page (telegram).        | Sept. 2  | Instructs Embassy to again bring matter of Western Union Telegraph Co. protest to attention of Foreign Office and to seek modification of censorship. | 273   |
|     | Executive Order.                                             | Sept. 5  | Relates to the taking over by the United States of high powered radio stations.                                                                       | 273   |
| 450 | Ambassador Page to the Secretary of State.                   | Sept. 16 | Transmits reply of Foreign Office to protest against British censorship of cable messages.                                                            | 274   |
|     | Ambassador Page to the Secretary of State (telegram).        | Sept. 19 | Says Foreign Office states that instructions have been given to interfere as little as possible with cable communication.                             | 275   |
| 330 | The British Ambassador to the Secretary of State.            | Sept. 24 | Says British Foreign Office has sent memorandum to Ambassador Page regarding censorship of cables.                                                    | 275   |
|     | The Acting Secretary of State to Ambassador Page (telegram). | Sept. 26 | Instructed to inform British Foreign Office that Department deems it very desirable that suppression of harmless commercial messages be stopped.      | 276   |
|     | The Secretary of State to Ambassador Page (telegram).        | Oct. 1   | Asks as to regulations regarding cable address and signature on telegrams to London and beyond.                                                       | 276   |
|     | Ambassador Page to the Secretary of State (telegram).        | Oct. 2   | Replies to above, and says no change in regulations.                                                                                                  | 276   |
|     | Ambassador Page to the Secretary of State (telegram).        | Oct. 5   | Says Sir Edward Grey has taken up matter of cable censorship with Chief Censor.                                                                       | 276   |
|     | Ambassador Page to the Secretary of State (telegram).        | Oct. 13  | Reports relative to effort of British Foreign Office to discontinue suppression of commercial cables.                                                 | 277   |



*Censorship of Telegrams Transmitted by Cable and Wireless—Continued.*

| No. | From and to whom.                                             | Date.   | Subject.                                                                                                                          | Page. |
|-----|---------------------------------------------------------------|---------|-----------------------------------------------------------------------------------------------------------------------------------|-------|
|     |                                                               | 1914.   |                                                                                                                                   |       |
|     | The Acting Secretary of State to Ambassador Page (telegram).  | Oct. 14 | Instructs Embassy to urge upon Foreign Office necessity of notifying senders of nondelivery of stopped telegrams.                 | 277   |
| 524 | Ambassador Page to the Secretary of State (telegram).         | Oct. 23 | Transmits note from Foreign Office giving reasons for holding up telegrams from American commander at Tientsin.                   | 278   |
|     | Ambassador Page to the Secretary of State (telegram).         | Oct. 30 | Says Foreign Office states that senders as a rule are not advised of stoppage of messages.                                        | 279   |
|     | Minister Stovall to the Secretary of State (telegram).        | Nov. 5  | Reports relative to protest of Swiss bankers against stoppage of telegrams to United States concerning money transfers and grain. | 279   |
|     | The Acting Secretary of State to Minister Stovall (telegram). | Nov. 6  | Refers to above, and says matter should be taken up by Swiss Ministers at London and Paris.                                       | 279   |
|     | Ambassador Page to the Secretary of State (telegram).         | Nov. 9  | Reports protest of American Trade Agency at Rome against interference with cable communications.                                  | 280   |
|     | The Secretary of State to Ambassador Page (telegram).         | Nov. 10 | Refers to above, and says Department has received few complaints recently.                                                        | 280   |
|     | Minister Stovall to the Secretary of State (telegram).        | Nov. 10 | Transmits communication from Swiss Government protesting against censorship of telegram from Switzerland to United States.        | 280   |
|     | The Secretary of State to Ambassador Page (telegram).         | Nov. 12 | Instructs Embassy to present to Foreign Office protest of Danish firms against censorship with view to amelioration.              | 282   |

*Censorship of Telegrams Transmitted by Cable and Wireless—Continued.*

| No. | From and to whom.                                               | Date.   | Subject.                                                                                                                         | Page. |
|-----|-----------------------------------------------------------------|---------|----------------------------------------------------------------------------------------------------------------------------------|-------|
|     |                                                                 | 1914.   |                                                                                                                                  |       |
|     | Memorandum from the Legation of Switzerland.                    | Nov. 12 | Transmits telegram from President of Swiss Confederation protesting against censorship of commercial telegrams.                  | 282   |
|     | Memorandum to the Legation of Switzerland.                      | Nov. 20 | Says American Ambassadors at London and Paris have been instructed to confer with Swiss Ministers regarding cable censorship.    | 283   |
|     | The Acting Secretary of State to Ambassador Page (telegram).    | Nov. 20 | Instructs Embassy to inform Foreign Office that protests against censorship increase daily and to urge amendment of regulations. | 283   |
|     | The Acting Secretary of State to Ambassador Herrick (telegram). | Nov. 20 | Same, mutatis mutandis, as above.                                                                                                | 283   |
|     | The Acting Secretary of State to Minister Stovall.              | Nov. 20 | Informs him of above action.                                                                                                     | 284   |
|     | Ambassador Herrick to the Secretary of State.                   | Nov. 22 | Reports regarding French cable regulations.                                                                                      | 285   |
|     | Ambassador Page to the Secretary of State (telegram).           | Nov. 25 | Says he has made joint protest with Swiss Minister to Foreign Office regarding cable censorship.                                 | 285   |
|     | Ambassador Page to the Secretary of State (telegram).           | Nov. 27 | Reports continued complaints from American commercial companies regarding cable censorship.                                      | 286   |
|     | Ambassador Willard to the Secretary of State (telegram).        | Nov. 27 | Says Consul General at Barcelona reports serious interference with cotton shipments on account of British cable censorship.      | 286   |
|     | The Secretary of State to Ambassador Page (telegram).           | Dec. 1  | Says Embassy at London has been instructed to take up matter of cable censorship with British Foreign Office.                    | 286   |

*Censorship of Telegrams Transmitted by Cable and Wireless—Continued.*

| No. | From and to whom.                                       | Date.  | Subject.                                                                                                                                              | Page. |
|-----|---------------------------------------------------------|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
|     |                                                         | 1914.  |                                                                                                                                                       |       |
|     | Ambassador Page to the Secretary of State (telegram).   | Dec. 2 | Says Italian Government asks coöperation of United States to stop interference with cable communication.                                              | 287   |
|     | The Secretary of State to Ambassador Page (telegram).   | Dec. 2 | Says Embassy at London has been instructed to take up matter of interference with cables regarding cotton shipments to Spain.                         | 288   |
|     | Ambassador Page to the Secretary of State (telegram).   | Dec. 2 | Says Foreign Office states that investigation will be made of all specific complaints of stopped telegrams.                                           | 288   |
|     | The Secretary of State to Ambassador Page (telegram).   | Dec. 3 | Refers to above, and says the demand for specific instances seems useless. Thinks matter can be relieved by amendment of censorship regulations only. | 289   |
|     | The Secretary of State to Ambassador Page (telegram).   | Dec. 4 | Instructs Embassy to coöperate with Italian colleagues in matter of cable censorship.                                                                 | 290   |
|     | Ambassador Gerard to the Secretary of State (telegram). | Dec. 4 | Says German Government asks that United States take steps to secure unhampered transmission of cotton messages.                                       | 290   |
|     | The Secretary of State to Ambassador Sharp (telegram).  | Dec. 7 | Instructs Embassy to take up with Foreign Office matter of complaints as to delayed cable messages reported by Embassy at Rome.                       | 290   |
|     | Ambassador Page to the Secretary of State (telegram).   | Dec. 7 | Says Sir Edward Grey will arrange conference to discuss with Chief Censor matter of cable censorship.                                                 | 291   |

*Censorship of Telegrams Transmitted by Cable and Wireless—Continued.*

| No.  | From and to whom.                                     | Date.   | Subject.                                                                                                                                                          | Page. |
|------|-------------------------------------------------------|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
|      |                                                       | 1914.   |                                                                                                                                                                   |       |
|      | The Secretary of State to Ambassador Page (telegram). | Dec. 11 | Refers to complaints of New Orleans Cotton Exchange against action of British and French censors, and says Exchange recommends use of cotton codes.               | 291   |
|      | The Secretary of State to Ambassador Page.            | Dec. 11 | Refers to above, and says Department hopes that representations to Foreign Office will result in granting relief.                                                 | 292   |
|      | Ambassador Page to the Secretary of State (telegram). | Dec. 11 | Reports a conference which he had with the British Minister for Foreign Affairs and the head censor regarding complaints against censorship of commercial cables. | 292   |
|      | Ambassador Page to the Secretary of State (telegram). | Dec. 14 | Reports that American trade in Italy is suffering on account of cable censorship. Says Italian Government asks United States cooperation.                         | 293   |
|      | The Secretary of State to Ambassador Page (telegram). | Dec. 15 | Instructs Embassy to call again to attention of Foreign Office action of censors in holding up commercial cables.                                                 | 294   |
|      | Ambassador Page to the Secretary of State (telegram). | Dec. 17 | Says British Government approves use of Meyers cotton code.                                                                                                       | 294   |
|      | Ambassador Page to the Secretary of State (telegram). | Dec. 17 | Says he has taken up matter of cable censorship with Danish and Swiss Ministers and Spanish and Italian Ambassadors.                                              | 295   |
| 1291 | Ambassador Page to the Secretary of State (telegram). | Dec. 18 | Transmits memorandum from British Foreign Office regarding use of codes in foreign telegrams.                                                                     | 295   |
|      | The British Ambassador to the Secretary of State.     | Dec. 21 | Advises Department regarding an arrangement for the passing of commercial cables.                                                                                 | 296   |

*Censorship of Telegrams Transmitted by Cable and Wireless—Continued.*

| No. | From and to whom.                                             | Date.   | Subject.                                                                                                                                             | Page. |
|-----|---------------------------------------------------------------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
|     |                                                               | 1914.   |                                                                                                                                                      |       |
|     | Ambassador Page to the Secretary of State (telegram).         | Dec. 22 | Says no cables to United States were stopped on 21st, but two from United States were stopped because of contents.                                   | 297   |
|     | The Secretary of State to Ambassador Page (telegram).         | Dec. 22 | Inform Foreign Office that Barcelona and Philippine firms protest against censorship of telegrams. Urge action.                                      | 297   |
|     | Ambassador Page to the Secretary of State (telegram).         | Dec. 29 | Says telegram from American Minister at Peking to Consul General at Hongkong was stopped because it was in cipher.                                   | 297   |
|     |                                                               | 1915.   |                                                                                                                                                      |       |
|     | The Acting Secretary of State to Minister Reinsch (telegram). | Jan. 2  | Informs him of above. Says British regulations provide that only messages between diplomatic missions and Government at Washington may go in cipher. | 298   |
|     | Ambassador Page to the Secretary of State (telegram).         | Jan. 4  | Says British Government requests that message stopped by censor in Florida be released and forwarded.                                                | 298   |
|     | The Secretary of State to Ambassador Page (telegram).         | Jan. 5  | Refers to above. Says message is partly in code. If put in plain language will be forwarded.                                                         | 299   |
|     | Ambassador Page to the Secretary of State (telegram).         | Jan. 8  | Says stopping of cables continues. Advises that telegraphic companies exclude all technical words.                                                   | 299   |
|     | The Secretary of State to Ambassador Page (telegram).         | Jan. 12 | Inform Foreign Office that Department insists that notification be given of stopped messages.                                                        | 299   |
|     | Ambassador Sharp to the Secretary of State (telegram).        | Jan. 16 | Gives names of codes allowed for messages over French cable lines.                                                                                   | 300   |

*Censorship of Telegrams Transmitted by Cable and Wireless—Continued.*

| No. | From and to whom.                                        | Date.   | Subject.                                                                                                                                         | Page. |
|-----|----------------------------------------------------------|---------|--------------------------------------------------------------------------------------------------------------------------------------------------|-------|
|     |                                                          | 1915.   |                                                                                                                                                  |       |
|     | The Secretary of State to Ambassador Willard (telegram). | Jan. 16 | Instructs Embassy to investigate and protest to Foreign Office if Spanish censors are interfering with messages between United States and Spain. | 300   |
|     | Ambassador Sharp to the Secretary of State (telegram).   | Jan. 23 | Reports that French Foreign Office has given instructions for the passing of commercial cables with least possible delay.                        | 301   |
|     | The Secretary of State to Ambassador Page (telegram).    | Jan. 25 | Informs Embassy of above action, and says if it seems desirable, to urge British Government to take similar steps.                               | 301   |
|     | Ambassador Page to the Secretary of State (telegram).    | Jan. 28 | Reports British regulations regarding use of Meyers Atlantic Cotton Code.                                                                        | 302   |
|     | Ambassador Page to the Secretary of State (telegram).    | Feb. 3  | Transmits report of British censor giving average number of telegrams stopped in three days.                                                     | 302   |
| 584 | The Secretary of State to Ambassador Page.               | Feb. 3  | Instructs Embassy to seek an arrangement whereby telegrams passing through French territory shall not be interfered with by British authorities. | 302   |
|     | The Secretary of State to Ambassador Page (telegram).    | Feb. 10 | Instructs Embassy to take up with Foreign Office matter of allowing code messages to South American countries and to urge early action.          | 303   |
|     | Consul General Thackara to the Secretary of State.       | Feb. 12 | Transmits French code regulations.                                                                                                               | 303   |
| 904 | Ambassador Page to the Secretary of State.               | Feb. 15 | Says Foreign Office reports that out of 60 or 70 telegrams from United States in November and December only 3 were stopped.                      | 305   |

*Censorship of Telegrams Transmitted by Cable and Wireless—Continued.*

| No.  | From and to whom.                                     | Date.   | Subject.                                                                                                                                                                     | Page. |
|------|-------------------------------------------------------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
|      |                                                       | 1915.   |                                                                                                                                                                              |       |
|      | The Counselor to the British Ambassador.              | Feb. 16 | Says he would like to discuss with Ambassador matter of interruption of commercial cablegrams by British censors.                                                            | 305   |
|      | Memorandum from the British Embassy.                  | Feb. 19 | Advises Department of report of British Government relative to alleged interference with commercial cablegrams by British censors.                                           | 305   |
|      | Ambassador Page to the Secretary of State (telegram). | Feb. 24 | Says Foreign Office states that instructions were given to pass telegrams to South American countries without censoring, and there must be a mistake about alleged stoppage. | 306   |
| 1028 | Ambassador Page to the Secretary of State.            | Mar. 10 | Transmits memorandum from British Foreign Office concerning certain commercial telegrams sent through Department of State considered detrimental to British interests.       | 307   |
|      | The Secretary of State to Ambassador Page (telegram). | Mar. 16 | Advises Embassy as to form of reply which Department will send to requests for official transmission of private cables.                                                      | 307   |
| 1105 | Ambassador Page to the Secretary of State.            | Mar. 24 | Transmits note from Foreign Office regarding Western Union Co.'s protest against British censorship.                                                                         | 308   |
| 345  | Ambassador Sharp to the Secretary of State.           | Mar. 24 | Says French Government considers use of one cotton code quite sufficient.                                                                                                    | 308   |
|      | Ambassador Page to the Secretary of State (telegram). | Mar. 26 | Transmits British Foreign Office memorandum on subject of cablegram censorship.                                                                                              | 310   |

*Censorship of Telegrams Transmitted by Cable and Wireless—Continued.*

| No. | From and to whom.                                     | Date.          | Subject.                                                                                                                                           | Page. |
|-----|-------------------------------------------------------|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 956 | The Secretary of State to Ambassador Page.            | 1915.<br>May 6 | Instructs Embassy to present all stopped messages to Foreign Office and ask to be given reason for stoppage.                                       | 311   |
|     | The Secretary of State to Ambassador Page (telegram). | May 13         | Instructs Embassy to bring matter of delayed South American cable to attention of Foreign Office and urge action.                                  | 312   |
|     | Ambassador Page to the Secretary of State (telegram). | May 27         | Says Foreign Office has instructed censors to pass telegrams to South American countries and thinks there will be no further trouble.              | 312   |
|     | Ambassador Page to the Secretary of State (telegram). | June 3         | Says reported delayed message to South America cannot be traced. Advises use of cable route which does not touch Great Britain or her possessions. | 313   |

## PART XIV.

*Belgian Relief.*

|                                                         |                 |                                                                                                                       |      |
|---------------------------------------------------------|-----------------|-----------------------------------------------------------------------------------------------------------------------|------|
| The Secretary of State to Ambassador Gerard (telegram). | 1914.<br>Oct. 7 | Instructed to obtain from German Government definite assurance regarding work of Belgian relief committee.            | 314. |
|                                                         | Oct. 16         | Reports regarding plan for supplying food to the poor of Brussels and asks Department's approval.                     | 314  |
|                                                         | Oct. 19         | Says German Government approves plan of Belgian relief committee. Instructs Embassy to proceed on lines of October 6. | 315  |



*Belgian Relief—Continued.*

| No. | From and to whom.                                               | Date.   | Subject.                                                                                                                                                                              | Page. |
|-----|-----------------------------------------------------------------|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
|     |                                                                 | 1914.   |                                                                                                                                                                                       |       |
|     | The Acting Secretary of State to Minister Whitlock (telegram).  | Oct. 19 | Says German Government approves plan to import foodstuffs for Belgium and Embassy at London has been advised.                                                                         | 316   |
|     | The Acting Secretary of State to Minister Whitlock (telegram).  | Oct. 20 | Says Department approves action reported in telegram of October 16.                                                                                                                   | 316   |
|     | Ambassador Page to the Secretary of State (telegram).           | Oct. 26 | Says Embassy has assurance of German commander that foodstuffs sent by Commission will not be confiscated.                                                                            | 316   |
|     | The Acting Secretary of State to Ambassador Herrick (telegram). | Oct. 31 | Instructed to ascertain if France will object to transit of foodstuffs shipped by Relief Commission to Belgium.                                                                       | 317   |
|     | The Acting Secretary of State to Ambassador Gerard (telegram).  | Nov. 7  | Instructed to ascertain if Germany will permit shipment of food from United States to Holland for Belgium and whether there is an embargo on second-hand clothing.                    | 317   |
|     | Ambassador Herrick to the Secretary of State (telegram).        | Nov. 11 | Says French Government does not object to transit of foodstuffs through Netherlands to Belgium.                                                                                       | 318   |
|     | The Acting Secretary of State to Ambassador Gerard (telegram).  | Nov. 20 | Instructed to obtain safe passage of British and neutral ships with supplies for Belgium and permission for American automobiles to distribute food.                                  | 318   |
|     | Ambassador Gerard to the Secretary of State (telegram).         | Nov. 23 | Says German Government will not interfere with neutral ships carrying food for Belgium, but unneutral ships must have proper certificate indorsed by German Ambassador at Washington. | 318   |

*Belgian Relief*—Continued.

| No.         | From and to whom.                                            | Date.   | Subject.                                                                                                                      | Page. |
|-------------|--------------------------------------------------------------|---------|-------------------------------------------------------------------------------------------------------------------------------|-------|
|             |                                                              | 1914.   |                                                                                                                               |       |
| 1154        | The Secretary of State to the German Ambassador.             | Dec. 1  | Advises him as to above, and asks if Embassy concurs in proposal.                                                             | 319   |
| 10078       | The German Ambassador to the Secretary of State.             | Dec. 4  | Replies to above, and says proposal meets with his approval.                                                                  | 320   |
| J No. 10106 | The German Ambassador to the Secretary of State.             | Dec. 5  | Says he has instructed German Consul to issue certificates for safe conduct to unneutral ships carrying food for Belgium.     | 320   |
|             | Consul General Skinner to the Secretary of State (telegram). | Dec. 8  | Says Belgium Relief Commission asks if United States will furnish naval ships for carrying supplies.                          | 320   |
|             | The Secretary of State to Consul General Skinner.            | Dec. 10 | Says Navy Department states that there are not suitable ships available for use of Belgian Relief Commission.                 | 321   |
|             | Ambassador Gerard to the Secretary of State (telegram).      | Dec. 11 | Says passes have been issued by German authorities to American automobiles used to distribute food.                           | 321   |
|             | Memorandum to the German Embassy.                            | Dec. 18 | Extends expressions of appreciation of Belgian Relief Commission for safe conduct of ships.                                   | 321   |
|             | Ambassador Page to the Secretary of State (telegram).        | Dec. 28 | Says reports should be sent to British Ambassador regarding all Belgian relief ships.                                         | 322   |
| 376         | Ambassador Gerard to the Secretary of State.                 | Dec. 28 | Transmits note from German Foreign Office relative to wording of certificates for unneutral ships carrying food for Belgians. | 323   |
| 184         | Minister Van Dyke to the Secretary of State (telegram).      | Dec. 29 | Says foodstuffs for Limburg taxed by German commander.                                                                        | 323   |

*Belgian Relief—Continued.*

| No. | From and to whom.                                       | Date.   | Subject.                                                                                                                                                             | Page. |
|-----|---------------------------------------------------------|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
|     |                                                         | 1915.   |                                                                                                                                                                      |       |
|     | Minister Whitlock to the Secretary of State (telegram). | Jan. 2  | Says German Governor General in Belgium has issued orders forbidding requisition of foodstuffs for Belgians.                                                         | 324   |
| 399 | Ambassador Gerard to the Secretary of State.            | Jan. 2  | Transmits note from Foreign Office stating that foodstuffs for Belgian relief will not be requisitioned.                                                             | 324   |
| 187 | Minister Van Dyke to the Secretary of State.            | Jan. 4  | Says tax imposed on flour at Limburg removed and taxes collected refunded.                                                                                           | 326   |
|     | The Secretary of State to Ambassador Gerard (telegram). | Jan. 13 | Instructed to ascertain from German Foreign Office if commander at Limburg is exacting tax on foodstuffs.                                                            | 326   |
|     | Ambassador Gerard to the Secretary of State (telegram). | Jan. 17 | Says Minister Van Dyke reports removal of tax at Limburg and that investigation will be dropped.                                                                     | 327   |
| 74  | The Secretary of State to Minister Van Dyke (telegram). | Jan. 21 | Instructed to report regarding removal of tax on foodstuffs at Limburg.                                                                                              | 327   |
|     | The Secretary of State to Minister Van Dyke (telegram). | Jan. 21 | Instructed to confirm report from Berlin relative to removal of tax on foodstuffs at Limburg.                                                                        | 327   |
| 195 | Minister Van Dyke to the Secretary of State.            | Jan. 22 | Reports regarding removal of tax on foodstuffs at Limburg.                                                                                                           | 328   |
| 196 | Minister Van Dyke to the Secretary of State.            | Jan. 22 | Says Netherlands Government has given Commission for Relief in Belgium free use of railways, postal and telegraphic service, and exemption from duty of automobiles. | 329   |
| 34  | Minister Whitlock to the Secretary of State.            | Jan. 26 | Transmits copy of note from German authorities at Brussels regarding exemption of foodstuffs from requisition.                                                       | 330   |

*Belgian Relief*—Continued.

| No. | From and to whom.                                           | Date.   | Subject.                                                                                                                                                  | Page. |
|-----|-------------------------------------------------------------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
|     |                                                             | 1915.   |                                                                                                                                                           |       |
| 45  | Minister Whitlock to the Secretary of State.                | Jan. 28 | Reports satisfactory adjustment of matter of customs duties on foodstuffs for Belgium.                                                                    | 330   |
| 46  | Minister Whitlock to the Secretary of State.                | Jan. 28 | Refers to the above, and says city of Antwerp also included.                                                                                              | 330   |
| 47  | Minister Whitlock to the Secretary of State.                | Jan. 28 | Says German authorities state that cattle and their food also exempt from military requisition.                                                           | 331   |
|     | The German Ambassador to the Secretary of State (telegram). | Jan. 28 | Says German Government state that foodstuffs from United States to Belgium will not be used for military or naval purposes.                               | 331   |
| 53  | Minister Whitlock to the Secretary of State.                | Feb. 3  | Says German authorities at Maubeuge will not requisition foodstuffs for Belgian relief.                                                                   | 332   |
|     | Ambassador Sharp to the Secretary of State (telegram).      | Feb. 10 | Says French Government has no objection to shipment of Argentine maize to Rotterdam for relief of Belgians and French in territory controlled by Germany. | 332   |
|     | The Secretary of State to Minister Whitlock.                | Feb. 18 | Says Belgian Relief Commission, Committee of Mercy, etc., advised of exemption of cattle and their food from military requisition.                        | 332   |
| 55  | The Secretary of State to Minister Whitlock.                | Feb. 23 | Says information regarding exemption of foodstuffs has been conveyed to Commission for Relief in Belgium, Committee of Mercy, etc.                        | 333   |
| 215 | Minister Van Dyke to the Secretary of State.                | Mar. 3  | Transmits memorandum presented by the German Minister at The Hague regarding freedom of ships of Belgian Relief Commission.                               | 333   |

*Belgian Relief—Continued.*

| No. | From and to whom.                                     | Date.   | Subject.                                                                                                                                                             | Page. |
|-----|-------------------------------------------------------|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
|     |                                                       | 1915.   |                                                                                                                                                                      |       |
|     | Ambassador Fage to the Secretary of State.            | Mar. 10 | Says Foreign Office states that flag and markings of Belgian Relief Commission will be used only on ships carrying goods of Commission.                              | 335   |
|     | Memorandum to the German Embassy.                     | Mar. 11 | Advises him regarding reported British attitude toward Belgian relief work and refers to assurance of British Government relative to Commission's flag and markings. | 335   |
|     | The Secretary of State to Ambassador Page (telegram). | Apr. 3  | Instructed to inform Belgian Relief Commission regarding an attack on one of its vessels by a German aeroplane.                                                      | 335   |

## PART XV.

*Attempt of German Ship Odenwald to Sail Without Clearance Papers.*

|               |                                                  |        |                                                                                                                                                           |     |
|---------------|--------------------------------------------------|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
|               |                                                  | 1915.  |                                                                                                                                                           |     |
| J. A.<br>2400 | The German Ambassador to the Secretary of State. | Apr. 1 | Asks why clearance papers were not given the German steamer <i>Odenwald</i> and complains against the reckless action of the San Juan harbor authorities. | 337 |
|               | The Secretary of State to the German Ambassador. | May 3  | Submits statement of facts regarding the action of the German steamship <i>Odenwald</i> and explains why she was refused clearance papers.                | 338 |

## PART XVI.

*Detention of the American Merchant Ship Seguranca.*

| No. | From and to whom.                                     | Date.   | Subject.                                                                                                                                                                                                                     | Page. |
|-----|-------------------------------------------------------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
|     |                                                       | 1915.   |                                                                                                                                                                                                                              |       |
|     | The Secretary of State to Ambassador Page (telegram). | Apr. 9  | Instructs Embassy to inform Foreign Office that the United States, on behalf of owners of steamship <i>Seguranca</i> , objects to detention of vessel.                                                                       | 343   |
|     | Ambassador Page to the Secretary of State (telegram). | Apr. 28 | Says Foreign Office states that <i>Seguranca</i> has been allowed to proceed, all consignees having agreed to receive goods through Netherlands Oversea Trust.                                                               | 343   |
|     | The Secretary of State to Ambassador Page (telegram). | May 6   | Refers to above, and says Department does not object to consignment of American shipments to Netherlands Oversea Trust, but it does object to detention by British Government of non-contraband shipments until reconsigned. | 344   |

## PART XVII.

*Detention of the American Ship Wico.*

|  |                                                       |         |                                                                                                                                                         |     |
|--|-------------------------------------------------------|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
|  |                                                       | 1915.   |                                                                                                                                                         |     |
|  | The Secretary of State to Ambassador Page (telegram). | Mar. 20 | Instructs Embassy to ask release of American steamship <i>Wico</i> .                                                                                    | 345 |
|  | The Secretary of State to Minister Morris (telegram). | Mar. 20 | Advises him as to above action.                                                                                                                         | 346 |
|  | Ambassador Page to the Secretary of State (telegram). | Apr. 8  | Says British Foreign Office will release <i>Wico</i> , but question of oil cargoes for Sweden will have to be reconsidered if German seizures continue. | 346 |

*Detention of the American Ship Wico—Continued.*

| No.  | From and to whom.                                                      | Date.   | Subject.                                                                                                                                             | Page. |
|------|------------------------------------------------------------------------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
|      |                                                                        | 1915.   |                                                                                                                                                      |       |
|      | The Secretary of State to Ambassador Page (telegram).                  | Apr. 12 | Refers to above, and says question of seizures of American cargoes by Germany is matter to be adjusted by United States and Germany.                 | 346   |
| 1412 | Ambassador Page to the Secretary of State.                             | May 18  | Transmits note from Foreign Office relative to seizure of <i>Wico</i> , and giving views of British Government regarding seizure of neutral vessels. | 347   |
|      | The British Secretary of State for Foreign Affairs to Ambassador Page. | May 16  | Explains detention of American steamship <i>Wico</i> .                                                                                               | 347   |

## PART XVIII.

*Internment of the German Ship Prinz Eitel Friedrich.*

|        |                                                  |         |                                                                                                                                                                  |     |
|--------|--------------------------------------------------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
|        |                                                  | 1915.   |                                                                                                                                                                  |     |
|        | The Secretary of State to the German Ambassador. | Mar. 18 | Says the <i>Prinz Eitel</i> will be allowed until April 7th to complete repairs and leave territorial waters of the United States.                               | 349 |
|        | Memorandum to the British Embassy.               | Mar. 29 | Says instructions have been given for the <i>Prinz Eitel</i> to observe the rule not to leave port until 24 hours after the departure of an enemy merchant ship. | 349 |
| J.2578 | The German Ambassador to the Secretary of State. | Apr. 8  | Expresses appreciation for courtesies accorded to the <i>Prinz Eitel</i> while at Newport News.                                                                  | 350 |

## PART XIX.

*Internment of the German Cruiser Kronprinz Wilhelm.*

| No.           | From and to whom.                                        | Date.            | Subject.                                                                                                                                                                            | Page. |
|---------------|----------------------------------------------------------|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| J. A.<br>2681 | The German Ambassador to the Secretary of State.         | 1915.<br>Apr. 12 | Asks permission for the German warship <i>Kronprinz Wilhelm</i> to land at the Newport News shipyard for repairs.                                                                   | 351   |
|               | The Secretary of State to the Secretary of the Treasury. | Apr. 21          | Transmits copy of note to the German Ambassador relative to the request that permission be given to the German warship <i>Kronprinz Wilhelm</i> to undergo repairs at Newport News. | 351   |

## PART XX.

*Detention of August Piepenbrink.*

|                                                         |        |        |                                                                                                                                             |     |
|---------------------------------------------------------|--------|--------|---------------------------------------------------------------------------------------------------------------------------------------------|-----|
| The Secretary of State to Vice Consul Bundy (telegram). | Dec. 7 | 1914.  | Instructs Consulate to ask release of August Piepenbrink taken from American vessel on high seas by French cruiser.                         | 353 |
|                                                         |        | Dec. 7 | Instructs Embassy to ask release of August Piepenbrink taken by French cruiser and held at Kingston by British authorities.                 | 353 |
|                                                         |        | Dec. 7 | Similar instruction as above sent to Embassy at London.                                                                                     | 353 |
| Ambassador Page to the Secretary of State (telegram).   | Jan. 4 | 1915.  | Says Foreign Office replying to above, says Piepenbrink has not taken out his papers, is legally a German subject, and can not be released. | 354 |



*Detention of August Piepenbrink—Continued.*

| No.  | From and to whom.                                      | Date.           | Subject.                                                                                                                                                                                          | Page. |
|------|--------------------------------------------------------|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
|      | The Secretary of State to Ambassador Page (telegram).  | 1915.<br>Mar. 2 | Instructs Embassy to inform Foreign Office that Department considers Piepenbrink's removal from an American vessel on the high seas without legal justification and to again request his release. | 354   |
|      | The Secretary of State to Ambassador Sharp (telegram). | Mar. 2          | Informs Embassy of above instruction, cites precedents, and directs that Piepenbrink's immediate release be requested.                                                                            | 355   |
| 298  | Ambassador Sharp to the Secretary of State.            | Mar. 12         | Reports communication of above to French Foreign Office.                                                                                                                                          | 357   |
| 1166 | Ambassador Page to the Secretary of State.             | Apr. 6          | Says Foreign Office states that it has been decided to release Piepenbrink as friendly act, while reserving question of principle involved.                                                       | 359   |
| 533  | Ambassador Sharp to the Secretary of State.            | Apr. 21         | Transmits note from French Foreign Office of same tenor as above.                                                                                                                                 | 360   |

## PART XXI.

*Internment of the German Prize Ship Farn.*

|    |                                                   |                  |                                                                                                                                                                            |     |
|----|---------------------------------------------------|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
|    | The British Ambassador to the Secretary of State. | 1915.<br>Jan. 13 | Says the vessel <i>Farn</i> , captured from the British and flying German flag entered port of San Juan on 12th. Asks investigation and detention of vessel.               | 361 |
| 26 | The British Ambassador to the Secretary of State. | Jan. 17          | Refers to above and says British Government presume that the United States will instruct authorities at San Juan to act in conformity with Article 21 of Hague Convention. | 361 |

*Internment of the German Prize Ship Farn—Continued.*

| No. | From and to whom.                                 | Date.   | Subject.                                                                                                                                                                                   | Page. |
|-----|---------------------------------------------------|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
|     |                                                   | 1915.   |                                                                                                                                                                                            |       |
|     | The Secretary of State to the British Ambassador. | Jan. 29 | Says instructions have been given for the <i>Farn</i> to leave port of San Juan within 24 hours or interne.                                                                                | 362   |
| 82  | The British Ambassador to the Secretary of State. | Feb. 26 | Refers to above decision and says British Government thinks Article 21, No. 13, Hague Convention, should be applied to vessel.                                                             | 362   |
|     | The Secretary of State to the British Ambassador. | Mar. 13 | Refers to above and says British Government has not ratified convention and that United States must adhere to decision to interne the steamship <i>Farn</i> .                              | 363   |
| 124 | The British Ambassador to the Secretary of State. | Mar. 26 | Says British Government would like to know to whom United States will turn over the <i>Farn</i> at end of war, and still contend that vessel should be released to British owners at once. | 365   |

## PART XXII.

*Noncontraband Character of Hydroaeroplanes.*

|  |                                          |         |                                                                                   |     |
|--|------------------------------------------|---------|-----------------------------------------------------------------------------------|-----|
|  |                                          | 1915.   |                                                                                   |     |
|  | German Ambassador to Secretary of State. | Jan. 19 | Makes protest against sale of hydroaeroplanes to belligerent States.              | 366 |
|  | Secretary of State to German Ambassador. | Jan. 29 | Says Department does not consider aeroplanes or other aircraft as vessels of war. | 367 |

## PART XXIII.

*Dual Nationality.*

|  |                                          |        |                                                                                                    |     |
|--|------------------------------------------|--------|----------------------------------------------------------------------------------------------------|-----|
|  |                                          | 1915.  |                                                                                                    |     |
|  | The Secretary of State to Senator Lodge. | June 9 | Advises him relative to status of citizenship of Ugo Da Prato, held in Italy for military service. | 369 |

## PART XXIV.

*Circular Instructions and Correspondence Relating to the Issuing of Passports.*

| No. | From and to whom.                                             | Date.   | Subject.                                                                                            | Page. |
|-----|---------------------------------------------------------------|---------|-----------------------------------------------------------------------------------------------------|-------|
|     |                                                               | 1914.   |                                                                                                     |       |
|     | The Secretary of State to American Diplomatic Officers.       | Aug. 1  | Instruction relative to the issuance of emergency passports and the protection of Americans abroad. | 376   |
|     | The Secretary of State to Ambassador Penfield (telegram).     | Aug. 10 | Instructed to advise Consular Officers that they may issue emergency passports.                     | 376   |
|     | The Secretary of State to Ambassador Herrick (telegram).      | Aug. 10 | Same as above.                                                                                      | 377   |
|     | The Secretary of State to Ambassador Gerard (telegram).       | Aug. 10 | ...do.                                                                                              | 377   |
|     | The Secretary of State to Ambassador Page (London) (telegram) | Aug. 10 | ...do.                                                                                              | 377   |
|     | The Secretary of State to Ambassador Page (Rome) (telegram)   | Aug. 10 | ...do.                                                                                              | 377   |
|     | The Secretary of State to Ambassador Willard (telegram).      | Aug. 10 | ...do.                                                                                              | 377   |
|     | The Secretary of State to Minister Whitlock (telegram).       | Aug. 10 | ...do.                                                                                              | 377   |
|     | The Secretary of State to Minister Droppers (telegram).       | Aug. 10 | ...do.                                                                                              | 377   |
|     | The Secretary of State to Minister Van Dyke (telegram).       | Aug. 10 | ...do.                                                                                              | 377   |
|     | The Secretary of State to Minister Schmedeman (telegram).     | Aug. 10 | ...do.                                                                                              | 377   |
|     | The Secretary of State to Minister Morris (telegram).         | Aug. 10 | ...do.                                                                                              | 377   |

*Circular Instructions and Correspondence Relating to the Issuing of  
Passports—Continued.*

| No. | From and to whom.                                                    | Date.    | Subject.                                                                                                                                       | Page. |
|-----|----------------------------------------------------------------------|----------|------------------------------------------------------------------------------------------------------------------------------------------------|-------|
|     |                                                                      | 1914.    |                                                                                                                                                |       |
|     | The Secretary of State to Minister Stovall (telegram).               | Aug. 10  | ....do.....                                                                                                                                    | 377   |
|     | The Secretary of State to American Diplomatic officers (telegram).   | Sept. 12 | Says passports should be issued to native and naturalized American citizens only. Department's authorization to be obtained in doubtful cases. | 378   |
|     | The Secretary of State to Diplomatic and Consular Officers.          | Dec. 21  | Instructions concerning the preparation of applications for Departmental and emergency passports and issuance of latter.                       | 378   |
|     | Minister Whitlock to the Secretary of State (telegram).              | Dec. 30  | Asks that passports for travel in Belgium be denied, except in cases of necessity.                                                             | 382   |
|     |                                                                      | 1915.    |                                                                                                                                                |       |
|     | The Secretary of State to Ambassador Sharp (telegram).               | Jan. 7   | Directs that passports for Belgium be denied applicants unless for Red Cross work, Belgian Relief, or special exigency.                        | 382   |
|     | The Secretary of State to Ambassador Page, London (telegram).        | Jan. 7   | Same as above.....                                                                                                                             | 382   |
|     | The Secretary of State to Ambassador Page, Rome (telegram).          | Jan. 7   | ....do.....                                                                                                                                    | 382   |
|     | The Secretary of State to Ambassador Gerard (telegram).              | Jan. 7   | ....do.....                                                                                                                                    | 382   |
|     | The Secretary of State to Minister Van Dyke (telegram).              | Jan. 7   | ....do.....                                                                                                                                    | 382   |
|     | The Secretary of State to Minister Egan (telegram).                  | Jan. 7   | ....do.....                                                                                                                                    | 382   |
|     | The Secretary of State to American Diplomatic and Consular Officers. | Feb. 8   | Transmits copy of rules governing the granting and issuing of passports in the United States.                                                  | 383   |
|     | Passport Regulations.....                                            |          |                                                                                                                                                | 390   |

## OFFICIAL DOCUMENTS.

### DIPLOMATIC CORRESPONDENCE BETWEEN THE UNITED STATES AND BELLIGERENT GOVERNMENTS RELATING TO NEUTRAL RIGHTS AND COMMERCE.

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#### PART I.

#### DECLARATION OF LONDON.

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*The Secretary of State to Ambassador W. H. Page.<sup>1</sup>*

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,  
*Washington, August 6, 1914, 1 p. m.*

Mr. Bryan instructs Mr. Page to inquire whether the British Government is willing to agree that the laws of naval warfare as laid down by the Declaration of London of 1909 shall be applicable to naval warfare during the present conflict in Europe provided that the Governments with whom Great Britain is or may be at war also agree to such application. Mr. Bryan further instructs Mr. Page to state that the Government of the United States believes that an acceptance of these laws by the belligerents would prevent grave misunderstandings which may arise as to the relations between neutral powers and the belligerents. Mr. Bryan adds that it is earnestly hoped that this inquiry may receive favorable consideration.

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*Ambassador Penfield to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
*Vienna, August 13, 1914, 8 p. m.*

Your August 6th. Austria-Hungarian Government have instructed their forces to observe stipulations of Declaration of London as applied

<sup>1</sup> (Same mutatis mutandis to: The American Embassies at St. Petersburg, Paris, Berlin, and Vienna, and the American Legation at Brussels.)

to naval as well as land warfare during present conflict conditional on like observance on part of the enemy.

PENFIELD.

---

*Chargé Wilson to the Secretary of State.*

[Telegram—Paraphrase.]

AMERICAN EMBASSY,

*St. Petersburg, August 20, 1914, 2 p. m.*

Mr. Wilson refers to Department's August 19, 4 p. m., and reports that the Russian Government is still awaiting the decision of the British Government, as Russia will take similar action. Mr. Wilson adds that the Foreign Office does not expect that Great Britain will decide to observe the Declaration of London.

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*Ambassador Gerard to the Secretary of State.*

[Telegram—Paraphrase.]

AMERICAN EMBASSY,

*Berlin, August 22, 1914, 12 midnight.*

Mr. Gerard refers to Department's August 19, 4 p. m., and says his August 20, 1 a. m., by way of Copenhagen, states that the German Government will apply the Declaration of London, provided its provisions are not disregarded by other belligerents.

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*Ambassador W. H. Page to the Secretary of State.*

No. 420.]

AMERICAN EMBASSY,

*London, August 27, 1914.*

SIR: I have the honor to transmit herewith inclosed a copy of the note from the Foreign Office I telegraphed you on the 26th instant (No. 483) defining the attitude of the British Government with regard to the so-called Declaration of London, 1909, together with a copy of a memorandum which accompanied the note, and a copy of the King's order in council of the 20th instant relating to this matter.

There will also be found attached a copy of a circular note I have just received from the Foreign Office relating to the same order in council and to the rules governing the proceedings in the British prize courts. Another copy of the King's order in council of the 20th instant, which accompanied the circular note, is inclosed herewith, and there will be found as well, in the pouch which accompanies this dispatch, six copies of the Prize Court Rules.

I have, etc.,

WALTER HINES PAGE.

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[Inclosure 1.]

*The Minister for Foreign Affairs to Ambassador W. H. Page.*

No. 37230/14.

FOREIGN OFFICE,  
London, August 22, 1914.

YOUR EXCELLENCY: On the 7th instant you were so good as to address to me a note inquiring, pursuant to instructions from the Secretary of State at Washington, whether His Majesty's Government were willing to agree that the laws of naval warfare, as laid down by the Declaration of London, 1909, should be applicable to naval warfare during the present European conflict, provided that the Governments with whom Great Britain is at war, or with whom her relations are not normal, also agree to such application.

Your Excellency added that it was the belief of your Government that the acceptance of these laws by the belligerents would prevent the possibility of grave misunderstandings as to the relations between belligerents and neutrals.

I have the honor to inform Your Excellency that His Majesty's Government, who attach great importance to the views expressed in Your Excellency's note and are animated by a keen desire to consult so far as possible the interests of neutral countries, have given this matter their most careful consideration and have pleasure in stating that they have decided to adopt generally the rules of the declaration in question, subject to certain modifications and additions which they judge indispensable to the efficient conduct of their naval operations. A detailed explanation of these additions and modifications is contained in the inclosed memorandum.

The necessary steps to carry the above decision into effect have now been taken by the issue of an order in council, of which I have the honor to inclose copies herein for Your Excellency's information and for transmission to your Government.

I may add that His Majesty's Government, in deciding to adhere to the rules of the Declaration of London, subject only to the aforesaid modifications and additions, have not waited to learn the intentions of the enemy Governments, but have been actuated by a desire to terminate at the earliest moment the condition of uncertainty which has been prejudicing the interests of neutral trade.

I have, etc.,

E. E. CROWE.

[Inclosure 2.]

## MEMORANDUM.

1. The lists of contraband already published by His Majesty are substituted for those contained in Articles 22 and 24 of the Declaration of London. Lists similar to those published by His Majesty have been issued by the French Government.

2. His Majesty's Government do not feel able to accept in its entirety the rule laid down in Article 38 of the Declaration. It has been the practice of the British Navy to treat as liable to capture a vessel which carried contraband of war with false papers if she was encountered on the return voyage, and to this exception His Majesty's Government feel it necessary to adhere.

3. The peculiar conditions in the present war due to the fact that neutral ports such as Rotterdam are the chief means of access to a large part of Germany and that exceptional measures have been taken in the enemy country for the control by the Government of the entire supply of foodstuffs have convinced His Majesty's Government that modifications are required in the applications of Articles 34 and 35 of the Declaration. These modifications are contained in paragraphs 3 and 5 of the accompanying Order in Council.

4. Article 15 of the Declaration contains a provision as to presumptive knowledge of the blockade in certain cases if the vessel has sailed from a neutral port. No mention is made of British or allied enemy ports. These omissions are supplied by Article 4 of the Order in Council.

5. The Order in Council also provides for the acceptance of the very valuable commentary on the Declaration which was embodied in the General Report prepared by Monsieur Renault.

[Inclosure 3.]

ORDER IN COUNCIL.<sup>1</sup>

Directing the Adoption and Enforcement During the Present Hostilities of the Convention Known as the Declaration of London, Subject to Additions and Modifications.

1914. No. 1260.

At the court at Buckingham Palace, the 20th day of August, 1914. Present, The King's Most Excellent Majesty in Council.

Whereas during the present hostilities the naval forces of His Majesty will coöperate with the French and Russian naval forces; and

Whereas it is desirable that the naval operations of the allied forces so far as they affect neutral ships and commerce should be conducted on similar principles; and

Whereas the Governments of France and Russia have informed His Majesty's Government that during the present hostilities it is their intention to act in accordance with the provisions of the convention known as the Declaration of London, signed on the 26th day of February, 1909, so far as may be practicable.

Now, therefore, His Majesty, by and with the advice of his Privy Council, is

<sup>1</sup> The above was repealed by the Order in Council of Oct. 29, 1914. See Part II, p. 14.



pleased to order, and it is hereby ordered, that during the present hostilities the convention known as the Declaration of London shall, subject to the following additions and modifications, be adopted and put in force by His Majesty's Government as if the same had been ratified by His Majesty:

The additions and modifications are as follows:

(1) The lists of absolute and conditional contraband contained in the proclamation dated August 4, 1914, shall be substituted for the lists contained in articles 22 and 24 of the said declaration.

(2) A neutral vessel which succeeded in carrying contraband to the enemy with false papers may be detained for having carried such contraband if she is encountered before she has completed her return voyage.

(3) The destination referred to in Article 33 may be inferred from any sufficient evidence, and (in addition to the presumption laid down in Article 34) shall be presumed to exist if the goods are consigned to or for an agent of the enemy State or to or for a merchant or other person under the control of the authorities of the enemy State.

(4) The existence of a blockade shall be presumed to be known—

(a) To all ships which sailed from or touched at an enemy port a sufficient time after the notification of the blockade to the local authorities to have enabled the enemy Government to make known the existence of the blockade;

(b) To all ships which sailed from or touched at a British or allied port after the publication of the declaration of blockade.

(5) Notwithstanding the provisions of Article 35 of the said Declaration, conditional contraband, if shown to have the destination referred to in Article 32, is liable to capture, to whatever port the vessel is bound and at whatever port the cargo is to be discharged.

(6) The General Report of the Drafting Committee on the said Declaration presented to the Naval Conference and adopted by the conference at the eleventh plenary meeting on February 25, 1909, shall be considered by all Prize Courts as an authoritative statement of the meaning and intention of the said Declaration, and such courts shall construe and interpret the provisions of the said Declaration by the light of the commentary given therein.

And the Lords Commissioners of His Majesty's Treasury, the Lords Commissioners of the Admiralty, and each of His Majesty's Principal Secretaries of State, the President of the Probate, Divorce, and Admiralty Division of the High Court of Justice, all other judges of His Majesty's Prize Courts, and all governors, officers, and authorities whom it may concern are to give the necessary directions herein as to them may respectively appertain.

ALMERIC FITZROY.

*Chargé Wilson to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,

*St. Petersburg, August 27, 1914.*

Russian Government accepts Declaration of London with exact modifications adopted by England and France.

WILSON.

*Ambassador Herrick to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
*Paris, September 3, 1914.*

The French Government will observe the provisions of the Declaration of London with following reservation: Article 1. The Declaration signed in London on February 26, 1909, concerning the legislation of naval war shall be applied during the war subject to the following additions and modifications:

One. The lists of absolute and conditional contraband notified by publication in the Journal Officiel of August 11, 1914, are substituted for those contained in Articles 22 and 24 of the Declaration. Notices published in the Journal Officiel shall eventually make known any new additions or modifications to said lists.

Two. Any neutral ship which may have succeeded in carrying contraband to the enemy by means of false papers may be seized under this accusation if met with before completing its return journey.

Three. The purpose within the meaning of Article 33 of the Declaration may be inferred from any sufficient proof, and (besides the assumption contained in Article 34) shall be considered as existing if the merchandise is consigned to or in the name of an agent of the enemy or to or in the name of any dealer or of any other person acting under the control of the authorities of the enemy.

Four. The existence of a blockade shall be deemed known (a) for all ships starting from or touching at an enemy's port within a sufficient delay after notification of blockade to the local authorities to have allowed the enemy's government to make known the existence of the blockade; (b) for all ships which may have left or touched at a French or ally's port after publication of declaration of blockade.

Five. Notwithstanding the provisions of article 35 of the declaration the conditional contraband, if it is proved that its destination comes within the meaning of article 33, is liable to capture, whatever may be the port of destination of the ship and the port where the cargo is to be unloaded.

Only change made in Journal Officiel of August 11, 1914, is transfer of balloons, flying machines, etc., from conditional contraband list to absolute contraband list. Article 22 still, then, contains 12 subdivisions, 12 referring to balloons and flying machines, and article 24, 13 sub-

divisions, subdivision 8 being eliminated and becoming subdivision 12 of absolute contraband.

HERRICK.

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*The Acting Secretary of State to Ambassador W. H. Page.*

[Telegram.]

No. 373.]

DEPARTMENT OF STATE,  
*Washington, October 22, 1914. 4 p. m.*

Your No. 864, October 19, Declaration of London.

Inasmuch as the British Government consider that the conditions of the present European conflict make it impossible for them to accept without modification the Declaration of London, you are requested to inform His Majesty's Government that in the circumstances the Government of the United States feels obliged to withdraw its suggestion that the Declaration of London be adopted as a temporary code of naval warfare to be observed by belligerents and neutrals during the present war; that therefore this Government will insist that the rights and duties of the United States and its citizens in the present war be defined by the existing rules of international law and the treaties of the United States irrespective of the provisions of the Declaration of London; and that this Government reserves to itself the right to enter a protest or demand in each case in which those rights and duties so defined are violated or their free exercise interfered with by the authorities of His Britannic Majesty's Government.

LANSING.

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*The Acting Secretary of State to Ambassador Gerard.<sup>1</sup>*

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,  
*Washington, October 24, 1914. 5 p. m.*

Referring to Department's August 6, 1 p. m., and Embassy's October 22, relative to the Declaration of London, Mr. Lansing instructs

<sup>1</sup> (Same to the embassies at St. Petersburg, Vienna, and Paris, and the legation at Brussels.)

Mr. Gerard to inform the German Government that the suggestion of the department to belligerents as to the adoption of declaration for sake of uniformity as to a temporary code of naval warfare during the present conflict has been withdrawn because some of the belligerents are unwilling to accept the declaration without modifications and that this Government will therefore insist that the rights and duties of the Government and citizens of the United States in the present war be defined by existing rules of international law and the treaties of the United States without regard to the provisions of the declaration and that the Government of the United States reserves to itself the right to enter a protest or demand in every case in which the rights and duties so defined are violated or their free exercise interfered with by the authorities of the belligerent governments.

OFFICIAL DOCUMENTS

PART II.  
CONTRABAND OF WAR.

BRITISH CONTRABAND.

*Ambassador Page to the Secretary of State.*

[Telegram—Paraphrase.]

AMERICAN EMBASSY,  
*London, August 5, 1914.*

Mr. Page reports that he has received from the Foreign Office list of articles which the British Government have declared to be absolute contraband and conditional contraband, respectively, during the present war:

PROCLAMATION.

August 4, 1914. No. 1250.

Specifying the articles to be treated as contraband of war.

GEORGE R. I.

Whereas a state of war exists between us on the one hand and the German Empire on the other:

And whereas it is necessary to specify the articles which it is our intention to treat as contraband of war:

Now, therefore, we do hereby declare, by and with the advice of our Privy Council, that during the continuance of the war or until we do give further public notice the articles enumerated in Schedule I hereto will be treated as absolute contraband, and the articles enumerated in Schedule II hereto will be treated as conditional contraband:

SCHEDULE I.

The following articles will be treated as absolute contraband:

1. Arms of all kinds, including arms for sporting purposes, and their distinctive component parts.
2. Projectiles, charges, and cartridges of all kinds, and their distinctive component parts.
3. Powder and explosives specially prepared for use in war.
4. Gun mountings, limber boxes, limbers, military wagons, field forges, and their distinctive component parts.

5. Clothing and equipment of a distinctively military character.
6. All kinds of harness of a distinctively military character.
7. Saddle, draft, and pack animals suitable for use in war.
8. Articles of camp equipment and their distinctive component parts.
9. Armor plates.
10. Warships, including boats, and their distinctive component parts of such a nature that they can only be used on a vessel of war.
11. Aeroplanes, airships, balloons, and air craft of all kinds, and their component parts, together with accessories and articles recognizable as intended for use in connection with balloons and air craft.
12. Implements and apparatus designed exclusively for the manufacture of munitions of war, for the manufacture or repair of arms, or war material for use on land and sea.

## SCHEDULE II.

The following articles will be treated as conditional contraband:

1. Foodstuffs.
2. Forage and grain suitable for feeding animals.
3. Clothing, fabrics for clothing, and boots and shoes, suitable for use in war.
4. Gold and silver in coin or bullion; paper money.
5. Vehicles of all kinds available for use in war and their component parts.
6. Vessels, craft, and boats of all kinds; floating docks, parts of docks, and their component parts.
7. Railway material, both fixed and rolling stock, and materials for telegraphs, wireless telegraphs, and telephones.
8. Fuel; lubricants.
9. Powder and explosives not specially prepared for use in war.
10. Barbed wire, and implements for fixing and cutting the same.
11. Horseshoes and shoeing materials.
12. Harness and saddlery.
13. Field glasses, telescopes, chronometers, and all kinds of nautical instruments.

Given at our court at Buckingham Palace, this fourth day of August, in the year of our Lord one thousand nine hundred and fourteen, etc., etc.

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*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
London, September 30, 1914.

Following proclamation regarding contraband of war has been received from the Foreign Office.

PAGE.

## PROCLAMATION.

September 21, 1914. No. 1410.

Specifying certain additional articles which are to be treated as contraband of war.

GEORGE R. I.

Whereas on the 4th day of August last, we did issue our royal proclamation specifying the articles which it was our intention to treat as contraband of war during the war between us and the German Emperor.

And whereas on the 12th day of August last we did by our royal proclamation of that date extend our proclamation afore-mentioned to the war between us and the Emperor of Austria, King of Hungary.

And whereas by an order in council of the 20th day of August, 1914, it was ordered that during the present hostilities the convention known as the Declaration of London should, subject to certain additions and modifications therein specified, be adopted and put in force as if the same had been ratified by us.

And whereas it is desirable to add to the list of articles to be treated as contraband of war during the present war.

And whereas it is expedient to introduce certain modifications in the Declaration of London as adopted and put into force.

Now, therefore, we do hereby declare, by and with the advice of our privy council, that during the continuance of the war, or until we do give further public notice, the articles enumerated in the schedule hereto will, notwithstanding anything contained in Article 28 of the Declaration of London, be treated as conditional contraband.

## SCHEDULE.

|                            |                                      |
|----------------------------|--------------------------------------|
| Copper, unwrought.         | Magnetic iron ore.                   |
| Lead, pig, sheet, or pipe. | Rubber.                              |
| Glycerine.                 | Hides and skins, raw or rough tanned |
| Ferrochrome.               | (but not including dressed leather). |
| Haematite iron ore.        |                                      |

Given at our court at Buckingham Palace, this twenty-first day of September, in the year of our Lord one thousand nine hundred and fourteen, etc., etc.

*Ambassador W. H. Page to the Secretary of State.*

No. 549.]

AMERICAN EMBASSY,  
*London, November 3, 1914.*

SIR: I have the honor to transmit herewith a copy of a proclamation containing a revised list of articles which the British Government have decided to declare absolute or conditional contraband, respectively, during the present war, as well as a copy of an Order in Council defining

the attitude of His Majesty's Government toward the Declaration of London during the present hostilities and the rules which have been decided to be adopted in modification of the declaration.

I have, etc.,

WALTER HINES PAGE.

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PROCLAMATION.

October 29, 1914. No. 1613.

Revising the List of Contraband of War.

GEORGE R. I.

Whereas, on the fourth day of August, 1914, We did issue Our Royal Proclamation specifying the articles which it was Our intention to treat as contraband of war during the war between Us and the German Emperor; and

Whereas, on the twelfth day of August, 1914, We did by Our Royal Proclamation of that date extend Our Proclamation aforementioned to the war between Us and the Emperor of Austria, King of Hungary; and

Whereas on the twenty-first day of September, 1914, We did by Our Royal Proclamation of that date make certain additions to the list of articles to be treated as contraband of war; and

Whereas it is expedient to consolidate the said lists and to make certain additions thereto:

Now, therefore, We do hereby declare, by and with the advice of Our Privy Council, that the lists of contraband contained in the schedules to Our Royal Proclamations of the fourth day of August and the twenty-first day of September aforementioned are hereby withdrawn, and that in lieu thereof during the continuance of the war or until We do give further public notice the articles enumerated in Schedule I hereto will be treated as absolute contraband, and the articles enumerated in Schedule II. hereto will be treated as conditional contraband.

SCHEDULE I.

1. Arms of all kinds, including arms for sporting purposes, and their distinctive component parts.
2. Projectiles, charges, and cartridges of all kinds, and their distinctive component parts.
3. Powder and explosives specially prepared for use in war.
4. Sulphuric acid.
5. Gun mountings, limber boxes, limbers, military wagons, field forges and their distinctive component parts.
6. Range-finders and their distinctive component parts.
7. Clothing and equipment of a distinctively military character.



8. Saddle, draft, and pack animals suitable for use in war.
9. All kinds of harness of a distinctively military character.
10. Articles of camp equipment and their distinctive component parts.
11. Armour plates.
12. Haematite iron ore and haematite pig iron.
13. Iron pyrites.
14. Nickel ore and nickel.
15. Ferrochrome and chrome ore.
16. Copper, unwrought.
17. Lead, pig, sheet, or pipe.
18. Aluminium.
19. Ferro-silica.
20. Barbed wire, and implements for fixing and cutting the same.
21. Warships, including boats and their distinctive component parts of such a nature that they can only be used on a vessel of war.
22. Aeroplanes, airships, balloons, and aircraft of all kinds, and their component parts, together with accessories and articles recognizable as intended for use in connection with balloons and aircraft.
23. Motor vehicles of all kinds and their component parts.
24. Motor tires; rubber.
25. Mineral oils and motor spirit, except lubricating oils.
26. Implements and apparatus designed exclusively for the manufacture of munitions of war, for the manufacture or repair of arms, or war material for use on land and sea.

## SCHEDULE II.

1. Foodstuffs.
  2. Forage and feedings stuff for animals.
  3. Clothing, fabrics for clothing, and boots and shoes suitable for use in war.
  4. Gold and silver in coin or bullion; paper money.
  5. Vehicles of all kinds, other than motor vehicles, available for use in war, and their component parts.
  6. Vessels, craft, and boats of all kinds; floating docks, parts of docks, and their component parts.
  7. Railway materials, both fixed and rolling stock, and materials for telegraphs, wireless telegraphs, and telephones.
  8. Fuel, other than mineral oils. Lubricants.
  9. Powder and explosives not specially prepared for use in war.
  10. Sulphur.
  11. Glycerine.
  12. Horseshoes and shoeing materials.
  13. Harness and saddlery.
  14. Hides of all kinds, dry or wet; pigskins, raw or dressed; leather, undressed or dressed, suitable for saddlery, harness, or military boots.
  15. Field glasses, telescopes, chronometers, and all kinds of nautical instruments.
- Given at our court at Buckingham Palace, this twenty-ninth day of October, in the year of our Lord one thousand nine hundred and fourteen, etc., etc.

## ORDER IN COUNCIL.

October 29, 1914. No. 1614.

Whereas by an Order in Council dated the 20th of August, 1914, His Majesty was pleased to declare that during the present hostilities the Convention known as the Declaration of London should, subject to certain additions and modifications therein specified, be adopted and put in force by His Majesty's Government; and

Whereas the said additions and modifications were rendered necessary by the special conditions of the present war; and

Whereas it is desirable and possible now to re-enact the said Order in Council with amendments in order to minimize, so far as possible, the interference with innocent neutral trade occasioned by the war:

Now, therefore, His Majesty, by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered, as follows:

1. During the present hostilities the provisions of the Convention known as the Declaration of London shall, subject to the exclusion of the lists of contraband and noncontraband, and to the modifications hereinafter set out, be adopted and put in force by His Majesty's Government.

The modifications are as follows:

- (i) A neutral vessel, with papers, indicating a neutral destination, which, notwithstanding the destination shown on the papers, proceeds to an enemy port, shall be liable to capture and condemnation if she is encountered before the end of her next voyage.
- (ii) The destination referred to in Article 33 of the said Declaration shall (in addition to the presumptions laid down in Article 34) be presumed to exist if the goods are consigned to or for an agent of the enemy State.
- (iii) Notwithstanding the provisions of Article 35 of the said Declaration, conditional contraband shall be liable to capture on board a vessel bound for a neutral port if the goods are consigned "to order," or if the ship's papers do not show who is the consignee of the goods, or if they show a consignee of the goods in territory belonging to or occupied by the enemy.
- (iv) In the cases covered by the preceding paragraph (iii) it shall lie upon the owners of the goods to prove that their destination was innocent.

2. Where it is shown to the satisfaction of one of His Majesty's Principal Secretaries of State that the enemy Government is drawing supplies for its armed forces from or through a neutral country, he may direct that in respect of ships bound for a port in that country, Article 35 of the said Declaration shall not apply. Such direction shall be notified in the "London Gazette" and shall operate until the same is withdrawn. So long as such direction is in force, a vessel which is carrying conditional contraband to a port in that country shall not be immune from capture.

3. The Order in Council of the 20th August, 1914, directing the adoption and enforcement during the present hostilities of the Convention known as the Declaration of London, subject to the additions and modifications therein specified, is hereby repealed.

4. This Order may be cited as "the Declaration of London Order in Council, No. 2, 1914."

And the Lords Commissioners of His Majesty's Treasury, the Lords Commissioners of the Admiralty, and each of His Majesty's Principal Secretaries of State, the President of the Probate, Divorce, and Admiralty Division of the High Court of Justice, all other Judges of His Majesty's Prize Courts, and all Governors, Officers, and Authorities whom it may concern, are to give the necessary directions herein as to them may respectively appertain.

ALMERIC FITZROY.

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*Consul General Skinner to the Secretary of State.*

[Telegram—Extract.]

AMERICAN CONSULATE GENERAL,  
*London, November 17, 1914—6 p. m.*

Foreign Office states: "Cottonseed cake, being feeding stuff for cattle, is conditional contraband and will be treated in strict accordance with order in Council, Article 1, subarticle 3."

SKINNER.

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*Consul General Skinner to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE GENERAL,  
*London, November 25, 1914.*

British authorities inform me to-day in their view toluene and toluol are contraband.

SKINNER.

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*Consul General Skinner to the Secretary of State.*

[Telegram—Paraphrase.]

AMERICAN CONSULATE GENERAL,  
*London, December 24, 1914.*

Mr. Skinner states that radically amended contraband list is promulgated by proclamation of December 23, 1914, as follows:

## PROCLAMATION.

December 23, 1914.

Revising the List of Articles to be Treated as Contraband of War.

GEORGE R. I.

Whereas on the 4th day of August, 1914, we did issue our royal proclamation specifying the articles which it was our intention to treat as contraband of war during the war between us and the German Emperor; and

Whereas on the 12th day of August, 1914, we did by our royal proclamation of that date extend our proclamation aforementioned to the war between us and the Emperor of Austria, King of Hungary; and

Whereas on the 21st day of September, 1914, we did by our royal proclamation of that date make certain additions to the list of articles to be treated as contraband of war; and

Whereas on the 29th day of October, 1914, we did by our royal proclamation of that date withdraw the said lists of contraband and substitute therefor the lists contained in the schedules to the said proclamation; and

Whereas it is expedient to make certain alterations in and additions to the said lists:

Now, therefore, we do hereby declare by and with the advice of our Privy Council, that the lists of contraband contained in the schedules to our royal proclamation of the twenty-ninth day of October aforementioned are hereby withdrawn, and that in lieu thereof during the continuance of the war or until we do give further public notice the articles enumerated in Schedule I hereto will be treated as absolute contraband, and the articles enumerated in Schedule II hereto will be treated as conditional contraband.

## SCHEDULE I.

1. Arms of all kinds, including arms for sporting purposes, and their distinctive component parts.
2. Projectiles, charges, and cartridges of all kinds and their distinctive component parts.
3. Powder and explosives specially prepared for use in war.
4. Ingredients of explosives, viz, nitric acid, sulphuric acid, glycerine, acetone, calcium acetate and all other metallic acetates, sulphur, potassium nitrate, the fractions of the distillation products of coal tar between benzol and cresol, inclusive, aniline, methylaniline, dimethylaniline, ammonium perchlorate, sodium perchlorate, sodium chlorate, barium chlorate, ammonium nitrate, cyanamide, potassium chlorate, calcium nitrate, mercury.
5. Resinous products, camphor, and turpentine (oil and spirit).
6. Gun mountings, limber boxes, limbers, military wagons, field forges, and their distinctive component parts.
7. Range-finders and their distinctive component parts.
8. Clothing and equipment of a distinctively military character.
9. Saddle, draught, and pack animals suitable for use in war.
10. All kinds of harness of a distinctively military character.

11. Articles of camp equipment and their distinctive component parts.
12. Armour plates.
13. Ferro alloys, including ferro-tungsten, ferro-molybdenum, ferro-manganese, ferro-vanadium, ferro-chrome.
14. The following metals: Tungsten, molybdenum, vanadium, nickel, selenium, cobalt, hæmatite pig-iron, manganese.
15. The following ores: Wolframite, scheelite, molybdenite, manganese ore, nickel ore, chrome ore, hæmatite iron ore, zinc ore, lead ore, bauxite.
16. Aluminium, alumina, and salts of aluminium.
17. Antimony, together with the sulphides and oxides of antimony.
18. Copper, unwrought and part wrought, and copper wire.
19. Lead, pig, sheet, or pipe.
20. Barbed wire, and implements for fixing and cutting the same.
21. Warships, including boats and their distinctive component parts of such a nature that they can only be used on a vessel of war.
22. Submarine sound signaling apparatus.
23. Aeroplanes, airships, balloons, and aircraft of all kinds, and their component parts, together with accessories and articles recognizable as intended for use in connection with balloons and aircraft.
24. Motor vehicles of all kinds and their component parts.
25. Tires for motor vehicles and for cycles, together with articles or materials especially adapted for use in the manufacture or repair of tires.
26. Rubber (including raw, waste, and reclaimed rubber) and goods made wholly of rubber.
27. Iron pyrites.
28. Mineral oils and motor spirit, except lubricating oils.
29. Implements and apparatus designed exclusively for the manufacture of munitions of war, for the manufacture or repair of arms, or war material for use on land and sea.

## SCHEDULE II.

1. Foodstuffs.
2. Forage and feeding stuffs for animals.
3. Clothing, fabrics for clothing, and boots and shoes suitable for use in war.
4. Gold and silver in coin or bullion; paper money.
5. Vehicles of all kinds, other than motor vehicles, available for use in war, and their component parts.
6. Vessels, craft, and boats of all kinds; floating docks, parts of docks, and their component parts.
7. Railway materials, both fixed and rolling stock, and materials for telegraphs, wireless telegraphs, and telephones.
8. Fuel, other than mineral oils. Lubricants.
9. Powder and explosives not specially prepared for use in war.
10. Horseshoes and shoeing materials.
11. Harness and saddlery.
12. Hides of all kinds, dry or wet; pigskins, raw or dressed; leather, undressed or dressed, suitable for saddlery, harness, or military boots.

13. Field glasses, telescopes, chronometers, and all kinds of nautical instruments.  
Given at our court at Buckingham Palace, this Twenty-third day of December,  
in the year of our Lord one thousand nine hundred and fourteen, etc., etc.

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*Consul General Skinner to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE GENERAL,  
*London, January 16, 1915.*

Official announcement made by British Government that France  
adopts lists of absolute and conditional contraband identical with latest  
British list.

SKINNER.

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*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
*London, January 22, 1915.*

British Government now informs me that the heading "Copper unwrought" was intended to include all copper in such form as to render it usable for manufacturing purposes. This description being vague, the former heading will be changed in new lists to read "Copper unwrought and part wrought and copper wire." This is intended to include copper sheets, circles, slabs, bars, pipes, ingots, scrap, rods, plates, solid drawn, tubes, etc., and all grades of copper wire. The word copper is deemed to include alloys in which copper is the main ingredient.

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*Consul General Skinner to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE GENERAL,  
*London, March 9, 1915.*

British Government announces that: "All cotton for which contracts of sale and freight engagements had already been made before March 2, to be allowed free or bought at contract price if stopped provided the

ship sails not later than March 31; similar treatment to be accorded to all cotton insured before March 2, provided the cotton is put on board not later than March 16. All shipments of cotton claiming the above protection to be declared before sailing and documents produced to and certificates obtained from consular officers or other authority fixed by the Government."

SKINNER.

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*The British Ambassador to the Secretary of State.*

BRITISH EMBASSY,  
Washington, March 10, 1915.

The British Ambassador presents his compliments to the Secretary of State, and has the honor to transmit herewith twenty copies of a list enumerating certain oils and substances included under the heading "Lubricants" in the British list of articles to be treated as conditional contraband.

CECIL SPRING-RICE.

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[Inclosure.]

OILS AND SUBSTANCES INCLUDED UNDER THE HEADING LUBRICANTS IN THE BRITISH LIST OF ARTICLES TO BE TREATED AS CONDITIONAL CONTRABAND.

I. Principal oils used as lubricants:

Tallow oil.

Lard oil.

Neat's-foot oil (including sheep's foot oil, horse's foot oil, and fatty bone  
• oil).

Olive oil.

Rape oil (including Colza oil, Ravisson oil, or Black Sea rape oil, and  
Jamba oil).

Castor oil.

Particularly for fine mechanisms—

Hazelnut oil.

Ben oil.

Porpoise oil (including body oil and jaw oil).

Dolphin oil or blackfish oil (including body oil and jaw oil).

Sperm oil.

Arctic sperm oil.

Whale oil.

Rosin oil.

## II. Solid lubricants:

1. Graphite (including natural graphite, artificial graphite, Atcheson's graphite, colloidal graphite, deflocculated graphite, "Oildag," "Aquadag," or "Waterdag").
  2. Mineral jellies.
  3. Tallow (including mutton-tallow, beef-tallow and goat-and-buck-tallow).
  4. All unctuous bodies which do not flow (or flow extremely slowly) at ordinary temperatures containing:
    - a. Tallow mixed with any other oil, fat, or mineral jelly.
    - b. Any oil, fat, or mineral jelly containing aluminum soap, lead soap, lime soap, or rosin soap.
    - c. Commercial forms of lead soap, lime soap, and aluminium soap.
    - d. Any oil, fat, or mineral jelly containing water and an alkali, or containing potash or soda soap (but not including "superfatted soaps" of various kinds).
  5. Rosin greases or rosin soaps.
- Aluminium soap in oleaginous solution is also known as "oil-pulp," "thickener," "gelatin," and "viscom."

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*Ambassador W. H. Page to the Secretary of State.*

No. 1061.]

AMERICAN EMBASSY,  
London, March 16, 1915.

SIR: In accordance with the instructions of the department, and confirming my cablegram No. 1780 of the 13th instant, I have the honor to transmit herewith copies, in duplicate, of a proclamation adding to the list of articles to be treated as contraband of war, dated March 11, 1915.

I have, etc.,

WALTER HINES PAGE.

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PROCLAMATION.

March 11, 1915.

Adding to the List of Articles to be Treated as Contraband of War.

GEORGE R. I.

Whereas on the twenty-third day of December, 1914, we did issue our royal proclamation specifying the articles which it was our intention to treat as contraband during the continuance of hostilities or until we did give further public notice, and

Whereas it is expedient to make certain additions to the lists contained in the said proclamation:



Now, therefore, we do hereby declare, by and with the advice of our privy council, that during the continuance of the war or until we do give further public notice the following articles will be treated as absolute contraband in addition to those set out in our royal proclamation aforementioned:

Raw wool, wool tops and noils and woollen and worsted yarns.

Tin, chloride of tin, tin ore.

Castor oil.

Paraffin wax.

Copper iodide.

Lubricants.

Hides of cattle, buffaloes, and horses; skins of calves, pigs, sheep, goats, and deer; leather, undressed or dressed, suitable for saddlery, harness, military boots, or military clothing.

Ammonia and its salts whether simple or compound; ammonia liquor, urea, aniline, and their compounds.

And we do hereby declare that the following articles will be treated as conditional contraband in addition to those set out in our royal proclamation aforementioned:

Tanning substances of all kinds (including extracts for use in tanning).

And we do hereby further declare that the terms "foodstuffs" and "feeding stuffs for animals" in the list of conditional contraband contained in our royal proclamation aforementioned shall be deemed to include oleaginous seeds, nuts and kernels; animal and vegetable oils and fats (other than linseed oil) suitable for use in the manufacture of margarine; and cakes and meals made from oleaginous seeds, nuts and kernels.

Given at our court at Buckingham Palace, this eleventh day of March, in the year of our Lord one thousand nine hundred and fifteen, etc., etc.

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*The British Ambassador to the Secretary of State.*

BRITISH EMBASSY,  
*Washington, March 23, 1915.*

MY DEAR MR. SECRETARY: I beg to acknowledge the receipt of your informal letter of March 20th in which you are good enough to submit certain observations on the British contraband list.

I have not in my possession any further information than that which I have communicated to you, but I expect before long to receive a uniform printed list as revised up to date and I shall take pleasure in sending you a copy so soon as it arrives.

In the list sent to you on March 10 which reached me by post the term "castor oil" was mentioned under the heading of "Principal oils used as lubricants," which were at that time treated as conditional contraband. According to the telegram, of which a copy was sent to you

on March 13, "lubricants" were transferred to the list of absolute contraband and castor oil was mentioned separately. Apart from this and in the absence of information to the contrary I understand that the memorandum interpreting the term "lubricants" formerly listed as conditional contraband is to be considered as still interpreting this term as listed under absolute contraband.

The materials enumerated in Articles 11 and 12 of the conditional contraband list appear, as you suggest, to have been transferred to the absolute list, but I am unable at the present moment to state definitely that this is so.

I am taking steps to obtain a clear ruling on these points.

I am, etc.,

CECIL SPRING-RICE.

*The British Ambassador to the Secretary of State.*

BRITISH EMBASSY,

Washington, April 10, 1915.

MY DEAR MR. SECRETARY: With further reference to your letter of the 20th of March I am informed that the interpretation of lubricants now absolute contraband is as follows:

Mineral. Including mineral oils, jellies or greases of all kinds, pure or compounded; graphite, natural or artificial;

Vegetable. Including vegetable lubricating oils and fats of all kinds, and resin greases, and their mixtures;

Animal. Including all animal oils and fats for use as lubricants, and their mixtures;

Fish. Including whale oil (train, blubber, sperm), seal or shark oil, and fish oil generally;

Mixtures or compounds of any of the foregoing.

It will be observed that the above definition covers all the articles mentioned in the earlier list of lubricants sent to your Department on March 10 and that it is even more comprehensive inasmuch as it includes mixtures and compounds of these articles.

The whole of the "hides" heading (Article 12) in the conditional list of December 23, 1914, may be regarded as transferred to the list of absolute contraband. Harness and saddlery (Article 11) remain conditional contraband unless it falls within Article 10 of the absolute list of December 23.

I am, etc.,

CECIL SPRING-RICE.

## FRENCH CONTRABAND.

*Ambassador Herrick to the Secretary of State.*

[Telegram—Extract.]

AMERICAN EMBASSY,  
*Paris, September 3, 1914.*

The lists of absolute and conditional contraband notified by publication in the Journal Officiel of 11th August, 1914, are substituted for those contained in articles 22 and 24 of the declaration. Notices published in the Journal Officiel shall eventually make known any new additions or modifications to said lists.

HERRICK.

## JOURNAL OFFICIEL.

August 11, 1914.

The Government of the Republic advises those whom it may concern that, pending hostilities, it will regard as contraband, the following articles, viz.:

## ABSOLUTE CONTRABAND.

- (1) Arms of every kind, including hunting pieces and detached component parts thereof.
- (2) Projectiles, cannon cartridges, and cartridges of every kind and detached component parts thereof.
- (3) Powders and explosives especially adapted for use in war.
- (4) Gun carriages, ammunition wagons, forecarriages, vans, field forges, and detached component parts thereof.
- (5) Distinctive articles of military clothing and equipment.
- (6) All kinds of distinctively military harness.
- (7) Saddle, draught, and pack animals capable of being used in war.
- (8) Camping material and detached distinctive parts thereof.
- (9) Armor plate.
- (10) Warships and war craft and detached parts thereof, distinctively recognizable as fit for use on warships only.
- (11) Implements and machinery exclusively intended for the manufacture of war munitions, for the manufacture and repair of arms and of military material, for use on land or sea.

(12) Aerostats and aeronautic appliances, detached constituent parts thereof, as well as accessories, articles and materials specifically adapted to aerostation or aviation.

CONDITIONAL CONTRABAND.

- (1) Victuals.
- (2) Fodder and grain, suitable as animal food.
- (3) Clothing and material therefor, footwear suitable for military use.
- (4) Gold and silver coin and bullion; paper representing money.
- (5) Vehicles of every sort, adapted to war uses, also detached parts thereof.
- (6) Ships, boats, and small craft of every kind, floating docks, parts of dry docks, as well as detached parts thereof.
- (7) Railway material, stationary or rolling stock; telegraph, wireless, and telephone material.
- (8) Fuel, lubricants.
- (9) Powders and explosives not especially designed for warfare.
- (10) Barbed wire, as well as the tools suitable for stringing or cutting it.
- (11) Horseshoes and farriery material.
- (12) Harnessing and saddlery articles.
- (13) Field glasses, telescopes, chronometers, and the various nautical instruments.

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*Ambassador Herrick to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
Paris, October 20, 1914.

French Government has added following articles to list of conditional contraband of war: 1, iron and steel, as well as the oxides, sulphides, and carbonates of iron; 2, copper; 3, lead; 4, nickel; 5, chrome iron; 6, glycerine; 7, hides; 8, pneumatic and solid tires for automobiles, as well as the materials used in their manufacture.

HERRICK.

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*Ambassador Herrick to the Secretary of State.*

[Extract.]

No. 757.]

AMERICAN EMBASSY,  
Paris, November 13, 1914.

SIR: I have the honor to inclose herewith in copy and translation the decree of November 6, 1914, modifying and amplifying the decree of August 25, 1914, relating to absolute and conditional contraband of war.

This decree was telegraphed to the department in my No. 263 of the 9th instant with certain unimportant omissions.

I have, etc.,

MYRON T. HERRICK.

[Inclosure—Translation.]

DECREE.

The President of the French Republic, acting on the report of the president of the council, of the minister for foreign affairs, and of the ministers of war, navy, and colonies, in view of the decree of August 25, 1914,

Decrees:

ART. 1. The declaration signed in London the 26th February, 1909, concerning the law of naval warfare, shall be applied during the present war, subject to the following additions and amendments:

I.

The following articles shall be considered as absolute contraband:

1. Arms of all kinds, including arms for sporting purposes, and their distinctive component parts.
2. Projectiles, charges, and cartridges of all kinds and their distinctive component parts.
3. Powder and explosives especially prepared for use in war.
4. Sulphuric acid.
5. Gun mountings, limber boxes, limbers, military wagons, field forges, and their distinctive component parts.
6. Telemeters and their distinctive component parts.
7. Clothing and equipment of all kinds of a distinctively military character.
8. Saddle, draft, and pack animals suitable for use in war.
9. All kinds of harness of a distinctively military character.
10. Articles of camp equipment and their distinctive component parts.
11. Armor plate.
12. Hematite iron ore and pig iron.
13. Iron pyrites.
14. Nickel ore and nickel.
15. Chrome iron.
16. Raw copper.
17. Lead in ingots, sheets, or piping.
18. Aluminum.
19. Ferrosilicate.
20. Barbed wire and instruments used for fixing and cutting the same.
21. Warships, including boats and their distinctive component parts of such a nature that they can only be used on a vessel of war.

22. Aeroplanes, aerostats, balloons, and airships of all kinds and their distinctive component parts, also accessories, articles, and supplies of such a nature that they can only be used for air navigation or aviation.

23. Automobiles of all kinds and their component parts.

24. Pneumatic tires, rubber.

25. Mineral and motor oils, exclusive of lubricating oils.

26. Implements and apparatus designed exclusively for the manufacture of munitions of war, for the manufacture or repair of arms or war material for use on land or sea.

## II.

The following articles shall be considered as conditional contraband:

1. Foodstuffs.
2. Forage and grain suitable for feeding animals.
3. Clothing, fabrics for clothing and boots and shoes suitable for use in war.
4. Gold and silver in coin or bullion; paper money.
5. Vehicles of all kinds other than automobiles and suitable for use in war, and their component parts.
6. Vessels, craft, and boats of all kinds; floating docks and their parts.
7. Railway material, both fixed and rolling stock, and material for telegraphs, wireless telegraphs, and telephones.
8. Fuel, other than mineral oil; lubricants.
9. Powder and explosives not specially prepared for use in war.
10. Sulphur.
11. Glycerin.
12. Horseshoes and shoeing materials.
13. Harness and saddlery.
14. Hides of all kinds, dried or fresh, pigskin raw or manufactured, leather manufactured or not suitable for making saddles, harness, and boots for military use.
15. Field glasses, telescopes, chronometers and all kinds of nautical instruments.

## III.

A neutral vessel whose ship's papers indicate a neutral destination and which in spite of her neutral destination enters an enemy's port, becomes liable to capture and confiscation if she is encountered before having completed her subsequent voyage.

## IV.

The destination referred to in Article 33 of the Declaration of London apart from the presumptions covered by article 34 is presumed to exist if the merchandise is consigned to or for an agent in the enemy country.

## V.

Notwithstanding the provisions of Article 35 of the Declaration of London, conditional contraband is liable to capture if bound on board a ship bound for a neutral port, when the merchandise is consigned to order or when the ship's papers do not specify a consignee in the territory belonging to or occupied by the enemy. In the above-mentioned case it is incumbent upon the owners of the merchandise to prove that the destination was innocent.

## VI.

When it shall be proved to the Government of the Republic that an enemy's Government derives from a neutral country, or by transit through a neutral country, provisions for its armed forces, necessary measures shall be taken to the end that article 35 of the Declaration of London shall not apply to ships bound for such neutral country. Such measure shall be published in the Journal Officiel and shall remain in force until rescinded; during which period ships transporting conditional contraband to a port of said neutral country shall not be exempt from capture.

Art. 2. Notices shall be published from time to time in the Journal Officiel regarding any new additions or amendments to the list of articles of contraband specified in the present decree.

Art. 3. Decree of August 25, 1914, is cancelled.

Art. 4. The Ministers for Foreign Affairs, Marine, and Colonies are directed to carry out the present decree, in so far as their respective departments are concerned.

BORDEAUX, *November 6, 1914.*

(Signed) R. POINCARÉ.

The President of the Cabinet:

(Signed) RENÉ VIVIANI.

The Minister for Foreign Affairs:

(Signed) DELCASSÉ.

The Minister of War:

(Signed) A. MILLERAND.

The Minister of Marine per interim:

(Signed) RENÉ VIVIANI.

The Minister of Colonies:

(Signed) GASTON DOUMERGUE.

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*Consul General Thackara to the Secretary of State.*

[Telegram—Paraphrase.]

AMERICAN CONSULATE GENERAL,  
*Paris, January 4, 1915.*

Mr. Thackara states that by decree of January 2, 1915, additions are made to contraband list.

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[Translation.]

Journal Officiel. January 3, 1915. Page 23.

MINISTRY OF FOREIGN AFFAIRS.

ANNOUNCEMENT RELATIVE TO WAR CONTRABAND.

Conformably with the provisions of article 2 of the decree of November 6, 1914, relative to the application during the course of the present war of the rules of inter-

national maritime law, notice is given that the war contraband lists established by the said decree of November 6, 1914, are superseded by the following lists:

#### I. ABSOLUTE CONTRABAND.

1. Weapons of every kind, including hunting and sporting arms, as well as detached distinctive parts thereof;
2. Projectiles, gun cartridges (charges) and cartridges of every sort and their detached recognizable parts;
3. Powders and explosives especially designed for war;
4. The raw materials of explosives, viz.: nitric acid, sulphuric acid, glycerine, acetone, acetate of calcium and all other metallic acetates, sulphur, nitrate of potassium, and products of the distillation of tar, from benzol to cresol inclusive, aniline, methylaniline, dimethylaniline, perchlorate of ammonium, perchlorate of sodium, chlorate of sodium, chlorate of barium, nitrate of ammonium, cyanamide, chlorate of potassium, nitrate of calcium, mercury.
5. Resinous products, camphor and therebeuthine (oil and essence).
6. Gun carriages, ammunition wagons, vans, field forges and their detached distinctive parts.
7. Telemeters and their detached distinctive parts.
8. Distinctive articles of military clothing and equipment of every kind.
9. Saddle, draft, and pack animals suitable for use in war.
10. All kinds of military harness of a distinctively military character.
11. Articles of camp equipment and detached component parts thereof.
12. Armor plate.
13. Iron alloys, including ferrotungsten, ferromolybdenum, ferromanganese, ferrovanadium, ferrochrome.
14. The following metals: Tungsten, molybdenum, vanadium, nickel, selenium, cobalt, hematite, pig iron, manganese.
15. The following ores: Wolframite, scheelite, molybdenite, ores of manganese, nickel, hematite (iron) zinc, lead, bauxite.
16. Aluminium, alumina and alumina salts.
17. Antimony, also the sulphites and oxides of antimony.
18. Unwrought or partly wrought copper, and copper wire.
19. Lead in ingots, sheet, or pipe.
20. Barbed wire and tools used for stringing or cutting same.
21. Warships, including small boats and their detached component parts, specifically adapted for use on war vessels only.
22. Submarine phonic signaling appliances.
23. All kinds of areoplanes, aerostats, balloons and airships, their detached parts, as well as accessories, articles and materials recognizable as intended for use in aerostation or aviation.
24. All kinds of automobiles, and detached parts thereof.
25. Air pumps and bandages for automobiles and bicycles as well as the articles and materials especially adapted for use in their manufacture or repair.
26. Rubber (inclusive of crude, scrap, and remanufactured) as well as articles wholly composed of rubber.



27. Iron pyrites.
28. Mineral oils and motor essences.
29. Implements and apparatus exclusively intended for the manufacture of war munitions, the manufacture or repair of arms or of war material for use on land or sea.

## II. CONDITIONAL CONTRABAND.

1. Victuals.
2. Fodder and any material fit as animal feed.
3. Wearing apparel, fabrics for clothing, footwear suitable for military use.
4. Gold and silver, coined or in ingots, paper representing money.
5. Vehicles of every kind, other than automobiles and available for use in war as well as detached parts thereof.
6. Vessels, boats and small craft of every sort, floating docks, parts of dry-docks, as well as detached parts thereof.
7. Railway material—both fixed and rolling-stock—and telegraph, wireless, and telephone material.
8. Fuel, other than mineral oils; also lubricants.
9. Powders and explosives not especially prepared for use in war.
10. Horseshoes and farriery materials.
11. Harness and saddlery.
12. All kinds of skins, dried or raw, pigskins, dressed or undressed; hides, prepared or unprepared; suitable for the manufacture of saddles, harness, or boots for military use.
13. Field glasses, telescopes, chronometers, and divers nautical instruments.

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*Ambassador Sharp to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
*Paris, January 5, 1915.*

British Embassy informs me that British and French lists of contraband now correspond absolutely.

SHARP.

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*Ambassador Sharp to the Secretary of State.*

No. 322.]

AMERICAN EMBASSY,  
*Paris, March 16, 1915.*

SIR: I have the honor to transmit herewith a copy and translation of the notification of March 12, by which a number of articles were added

to the list of contraband of war or transferred from the conditional to the absolute class.

The substance of this notification was telegraphed on March 12, 1915.

I have, etc.,

WM. G. SHARP.

[Inclosure—Translation.]

#### NOTIFICATION RELATIVE TO CONTRABAND OF WAR.

In accordance with the provisions of article 2 of the decree of November 6, 1914, notice is given that the following additions and modifications are applied to the lists of articles of contraband of war published in the Journal Officiel of 2-3 January, 1915:

##### I. ABSOLUTE CONTRABAND.

The following articles are added to the list of absolute contraband or henceforth classed as such:

30. Raw wool, wool combed or carded, yarns of wool combed or carded, wool waste.
31. Tin chloride of tin and tin ore.
32. Castor oil.
33. Paraffine wax.
34. Iodic copper.
35. Lubricating substances formerly classed in paragraph 8 of the list of conditional contraband.
36. The hides of cattle, buffaloes, and horses, hides of calves, pigs, sheep, goats, and deer, leather manufactured or not suitable for making saddles, harness, boots, or clothes for military use (formerly in paragraph 12 of the list of conditional contraband, which is omitted and replaced by 13).
37. Ammonia and its salts, simple or compound, liquid ammonia, urea, aniline, and their compounds.

##### II. CONDITIONAL CONTRABAND.

Are added:

13. Tanning materials of all kinds (including extracts used for tanning).

It is also specified that the terms foodstuffs and forage and grain suitable for feeding animals used in articles 1 and 2 of the list of conditional contraband include oleaginous seeds, nuts and almonds, animal and vegetable oils and greases used in the manufactures of margarine (excepting linseed oil); also cakes and meals made from oleaginous seeds, nuts, and almonds.

## RUSSIAN CONTRABAND.

*Chargé Wilson to the Secretary of State.*

No. 70.]

AMERICAN EMBASSY,  
*Petrograd, February 26, 1915.*

SIR: Referring to the department's circular telegraphic instruction, No. 20, repeated from London, I have the honor to inclose herewith five copies of the Russian prize laws, together with the recent modifications thereof. The foreign office states that further slight modifications will shortly be decreed in order to make the Russian law conform in all respects to the English law.

I have, etc.

CHARLES S. WILSON.

[Inclosure 1—Translation.]

## ORDER FOR THE NAVY AND FOR THE MARINE DEPARTMENT.

No. 304.]

PETROGRAD, *September 9, 1914.*

I hereby proclaim, for enforcement in the navy and in the marine department, the imperial edict published in the Collection of Laws and Measures of the Government (1914, No. 249, p. 2352) and addressed to the Governing Senate on September 1 last, together with the rules on naval warfare worked out by the London Maritime Conference of 1908-9.

In this connection, in view of the importance of an exact application of the said rules to practice, I prescribe for guidance the appended explanatory note regarding the bringing of the existing regulations on naval prizes into harmony with said rules.

(Signed)

Adjutant General GRIGOROVICH,

*Minister of Marine.*

## IMPERIAL DECREE.

Applying the rules of naval warfare as worked out by the London Conference of 1908-9, with some changes and additions and an explanatory note regarding the bringing of the regulations on naval prizes into harmony with the rules on naval warfare. Petrograd, 1914.

Imperial Edict to the Governing Senate.

Having found it necessary, in consequence of an agreement reached with the allied French and British Governments, to apply, as a temporary measure, the rules on the law of maritime war as prepared by the London Maritime Conference of 1908-9, with some changes and additions, and having approved the conclusion of the Council of Ministers on this subject, I order:

That, during the present war, there be applied in this connection the rules on naval warfare worked out by the London Maritime Conference of 1908-9, with the following changes and additions:

#### ARTICLE 1.

The following shall be considered as absolute contraband:

1. All kinds of weapons, including hunting weapons, as well as their component parts.
2. Projectiles and cartridges of all kinds, and component parts thereof.
3. Powder and explosives specially used in war.
4. Gun carriages, caissons, limbers, vans, field kitchens, and component parts thereof.
5. Articles specially connected with military uniforming and equipment.
6. Specially military harness of all kinds.
7. Riding, draft, and pack animals capable of serving for war.
8. Articles of camp equipage and component parts.
9. Armor.
10. War vessels and boats and component parts thereof, not capable, by their nature, of being utilized otherwise than on a war ship.
11. Instruments and apparatus exclusively designed for the preparation of war stores, for the manufacture and repair of weapons and articles of military equipment, land or naval.
12. Airships and apparatus for aerial navigation, component parts thereof, as well as appurtenances, articles, and materials particularly designed for aerial navigation or flight.

The following shall be considered as conditional contraband:

1. Food supplies.
2. Fodder and grasses fit for feeding animals.
3. Clothing and fabrics for clothing, as well as footwear suited for military needs.
4. Gold and silver in coin and bullion; paper money.
5. Vehicles of all kinds, capable of serving for war, as well as component parts thereof.
6. Ships, vessels, and boats of all kinds, floating docks, parts of docks, as well as component parts thereof.
7. Railroad equipment, stationary and rolling stock, and telegraph, wireless telegraph, and telephone materials.
8. Fuel; lubricants.
9. Powder and explosives not exclusively used in war.
10. Barbed wire, as well as instruments serving to fasten and cut it.
11. Horseshoes and blacksmith equipment.
12. Harness and saddlery.
13. Field glasses, telescopes, chronometers, and various navigation instruments.

#### ARTICLE 2.

A neutral vessel which has succeeded in conveying contraband to the enemy with false papers may be seized for the conveyance of such contraband if encountered before completing its return voyage.

## ARTICLE 3.

The destination mentioned in article 33 of the rules on naval warfare as elaborated by the London Maritime Conference may be proven by any sufficient evidence, and shall be presumed to exist not only in the case contemplated in article 34, but also if the goods are consigned to an agent of the hostile nation or for him, or to a trader or other person serving the authorities of the hostile nation, or for such trader or person.

## ARTICLE 4.

The existence of a blockade shall be presumed to be known:

(a) To all vessels which have left a hostile port or have entered such a port during such a period following the notification of the local authorities of the blockade as may appear sufficient in order that the hostile government may make it known.

(b) To all vessels which have left a Russian or allied port or have entered such a port after the publication of the declaration of the blockade.

## ARTICLE 5.

In modification of the provisions of article 35 of the rules of the London Maritime Conference, conditional contraband shall be liable to seizure, provided the destination mentioned in article 33 is proven, no matter what port the vessel may be bound for and no matter what port the cargo is intended to be discharged in.

The Governing Senate shall not fail to take the proper measures for the enforcement hereof.

Original signed in His Majesty's own handwriting.

NICHOLAS.

TSÁRSKOYE SYELÓ, *September 1, 1914.*

Countersigned:

State Secretary GOREMYKIN,

*President of the Council of Ministers.*

[Inclosure 2—Translation.]

ORDER FOR THE NAVY AND FOR THE MARINE DEPARTMENT.

No. 435.]

PETROGRAD, *December 19, 1914.*

I hereby proclaim for enforcement in the navy and in the marine department the imperial edict published in the Collection of Laws and Measures of the Government (1914, No. 347, p. 3310) and addressed to the Governing Senate on December 8, superseding articles 1-5 of the similar edict of September 1 of this year (Collection of Laws, No. 249, p. 2352) on the application of the rules of naval warfare as worked out at the London Maritime Conference of 1908-1909.

At the same time I prescribe henceforth for guidance the "Explanatory note" appended to my order No. 304 of September 9, as well as the supplement thereto appearing hereinafter.

(Signed) Adjutant General GRIGOROVICH,  
*Minister of Marine.*

IMPERIAL DECREE.

Imperial edict to the Governing Senate.

Having found it necessary, in consequence of the agreement with the allied French and British Governments, to amend and supplement articles 1-5 of our edict addressed to the Governing Senate on September 1 of this year (Collection of Laws, p. 2352), and applying the rules of naval warfare as elaborated at the London Naval Conference of 1907-1909, and having approved the conclusion of the council of ministers on this subject, we command:

That articles 1-5 of the said edict be superseded by the following:

ARTICLE 1.

The following shall be considered as absolute contraband:

1. All kinds of weapons, including hunting and sporting, as well as component parts thereof.
2. Projectiles and cartridges of all kinds and their component parts.
3. Powder and explosives especially used in war.
4. Sulphuric acid.
5. Gun carriages, caissons, limbers, vans, field kitchens, and component parts.
6. Range finders and component parts thereof.
7. All kinds of articles of military uniforming and equipment.
8. Riding, pack, and draft animals capable of use in war.
9. Military horse equipment of all kinds.
10. Articles of camp equipage and component parts.
11. Armor.
12. Hematite ore and cast iron derived from hematite, in pigs.
13. Iron pyrites.
14. Nickel ore and nickel.
15. Chromic iron ore and chromic ore.
16. Copper, unelaborated.
17. Lead in pigs, sheets, and tubes.
18. Aluminum.
19. Ferrosilicate.
20. Barbed wire, as well as instruments for fastening and cutting it.
21. War ships and boats and their component parts, of such a nature as not to be utilizable otherwise than on a war ship.
22. Aeroplanes, airships, balloons, and appliances for aerial navigation of all kinds, component parts, and appurtenances, articles, and materials particularly intended for aerial navigation or flight.
23. Automobiles of all kinds and component parts thereof.
24. Automobile tires, rubber.

25. Mineral oils, benzine, and other liquid fuel for internal combustion motors, with the exception of lubricating oils.

26. Instruments and appliances exclusively intended for the preparation of military stores, for the manufacture and repair of weapons and articles of military equipment, land and naval.

The following shall be considered as conditional contraband:

1. Food supplies.
2. Fodder and alimentary substances for animals.
3. Clothing and fabrics for clothing, as well as footwear, suitable for military needs.
4. Gold and silver in coin and bullion, paper money.
5. Vehicles of all kinds (except automobiles) capable of serving in war, as well as component parts thereof.
6. Ships, vessels, and boats of all kinds, floating docks, parts of docks, and component parts thereof.
7. Railroad equipment, stationary and rolling stock, materials for telegraphs, wireless telegraphs, and telephones.
8. Fuel, with the exception of mineral oils, benzine, and other liquid fuel for internal combustion motors; lubricating oils.
9. Powder and explosives not exclusively used in war.
10. Sulphur.
11. Glycerine.
12. Horseshoes and blacksmith equipment.
13. Harness and saddlery.
14. Skins and leather of all kinds, raw and dried; pigskin (elaborated or unelaborated), raw or prepared leather for saddles, harness, or military footwear.
15. Field glasses, telescope, chronometers, and various navigation instruments.

#### ARTICLE 2.

A neutral vessel whose papers show a neutral destination, but which, in spite of the destination appearing from its papers, proceeds to a hostile port, shall be liable to seizure and confiscation if encountered before the completion of its next voyage.

#### ARTICLE 3.

The destination as contemplated in article 33 of the rules on naval war as prepared by the London Maritime Conference shall be presumed to be proven not only in the cases enumerated in article 34 of said rules but also in case the goods are consigned to the agent of or for a hostile nation.

#### ARTICLE 4.

Contrary to article 35 of the rules on naval war as prepared by the London Naval Conference, articles of conditional contraband shall be liable to seizure on a vessel proceeding to a neutral port if the goods are sent "to order" or if the ship's papers do not indicate the consignee of the goods or indicate a consignee in the hostile territory or a territory occupied by the enemy.

In the cases referred to in the present article, the burden of proof that the destination of the goods was lawful shall rest upon the owners thereof.

#### ARTICLE 5.

If the Russian Government becomes convinced that a hostile government is obtaining supplies for its armed forces from or through any neutral country, it shall be the duty of the marine department, with the consent of the minister of foreign affairs, to take the necessary measures in order that article 35 may not be applicable to vessels sailing to the ports of such country. The order to this effect shall be published in the Collection of Laws and Measures of the Government, and shall remain in force until repealed. While such order remains in force a vessel conveying conditional contraband to the ports of the said country shall not be exempt from seizure.

The Governing Senate shall not fail to take the proper measures for the enforcement thereof.

Signed on the original in His Majesty's own handwriting:

NICHOLAS.

RYAZAN, December 8, 1914.

Countersigned:

State Secretary GOREMYKIN,

*President of the Council of Ministers.*

[To the order for the Navy and for the Marine Department of Dec. 19, 1914, No. 435.]

*Supplement to the "Explanatory note" appended to the order of the naval minister of September 9, 1914, No. 304.*

Firstly. The general references in the introductory part of the "Explanatory note" to the imperial edict of September 1 of this year are supplemented by references to the similar edict of December 8 instant.

Secondly. The remark to point 1, Section I, shall be superseded by the following:

"A vessel of neutral nationality whose papers show a neutral destination, but which, in spite of the destination appearing from its papers, proceeds to a hostile port, shall be liable to detention and confiscation if encountered before the completion of its next voyage." (Edict Dec. 8, art. 2; cf. Prav., art. 38.)

Thirdly. In the beginning and in point 3, Section III, the words "September 1" shall be superseded by "December 8."

Fourthly. Under point 4, Section III, the words "or to a trader, or other person, who is serving the authorities of a hostile nation, or for such trader or person."

Fifthly. Point 5 of the same Section III shall be superseded by the following:

"Conditional contraband shall be liable to detention and confiscation not only in the cases in which the seizure is permitted by article 35 of the rules worked out by the London Maritime Conference of 1908-1909, but also in cases when it is found on a vessel proceeding to a neutral port, if the goods are sent 'to order,' or if the ship's papers do not indicate any consignee of the goods, or if they indicate a consignee on hostile territory or territory occupied by the enemy."

"In the cases indicated under this point the obligation to prove that the destina-



tion of the goods was lawful shall rest upon the owner thereof." (Edict of Dec. 8, art. 4; cf. Prav., art. 35.)

(Signed) Vice Admiral RUSIN,  
*Chief of the Naval General Staff,*  
and Privy Councilor I. STEBLIN-KAMENSKI,  
*Acting Solicitor in the Superior Prize Court,*  
*Solicitor for the Naval Ministry.*

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GERMAN CONTRABAND.

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*Ambassador Gerard to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
*Berlin, September 4, 1914.*

I repeat my August tenth a. m.

The Foreign Office sends me a list of the articles which the German Government intends to treat as contraband of war in pursuance of the German prize ordinance printed in Reichgesetzblatt, 1914, No. 4. I find the list agrees exactly with article 22,<sup>1</sup> Nos. 1 to 11, of the Declara-

<sup>1</sup> ARTICLE 22 OF THE DECLARATION OF LONDON.

The following articles may, without notice, be treated as contraband of war under the name of absolute contraband:

- (1) Arms of all kinds, including arms for sporting purposes and their distinctive component parts.
- (2) Projectiles, charges, and cartridges of all kinds, and their distinctive component parts.
- (3) Powder and explosives specially prepared for use in war.
- (4) Gun mountings, limber boxes, limbers, military wagons, field forges, and their distinctive component parts.
- (5) Clothing and equipment of a distinctively military character.
- (6) All kinds of harness of a distinctively military character.
- (7) Saddle, draft, and pack animals suitable for use in war.
- (8) Articles of camp equipment and their distinctive component parts.
- (9) Armor plates.
- (10) Warships, including boats, and their distinctive component parts of such a nature that they can only be used on a vessel of war.
- (11) Implements and apparatus designed exclusively for the manufacture of

tion of London; in respect of absolute contraband and to article 24, Nos. 1 to 14, in respect of conditional contraband. The German Government state that the ordinance embodies the substance of the Declaration and that they will apply its provisions if they are not disregarded by other belligerents. They request to be informed what attitude the other powers have assumed.

Copies of the ordinance have been mailed to you and to the London Embassy.

GERARD.

[Translation.]

*The German Ambassador to the Secretary of State.*

J. No. A 1801.]

IMPERIAL GERMAN EMBASSY,  
Washington, October 22, 1914.

MR. SECRETARY OF STATE: I have the honor to inform Your Excellency that the Imperial Government has declared copper and lead to be conditional contraband. In consequence thereof I beg Your Ex-

munications of war, for the manufacture or repair of arms, or war material for use on land or sea.

ARTICLE 24 OF THE DECLARATION OF LONDON.

The following articles, susceptible of use in war as well as for purposes of peace, may, without notice, be treated as contraband of war under the name of conditional contraband:

- (1) Foodstuffs.
- (2) Forage and grain, suitable for feeding animals.
- (3) Clothing, fabrics for clothing, and boots and shoes, suitable for use in war
- (4) Gold and silver in coin or bullion; paper money.
- (5) Vehicles of all kinds available for use in war, and their component parts.
- (6) Vessels, craft, and boats of all kinds; floating docks, parts of docks, and their component parts.
- (7) Railway material, both fixed and rolling stock, and material for telegraphs, wireless telegraphs, and telephones.
- (8) Balloons and flying machines and their distinctive component parts, together with accessories and articles recognizable as intended for use in connection with balloons and flying machines.
- (9) Fuel; lubricants.
- (10) Powder and explosives not specially prepared for use in war.
- (11) Barbed wire and implements for fixing and cutting the same.
- (12) Horseshoes and shoeing materials.
- (13) Harness and saddlery.
- (14) Field glasses, telescopes, chronometers, and all kinds of nautical instruments.

cellency kindly to cause the foregoing to be published in accordance with the "Declaration of International Naval Conference" of February 26, 1909.

Accept, etc.,

For the Imperial Ambassador:

HANIEL.

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*Ambassador Gerard to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
*Berlin, November 19, 1914.*

Nineteenth. Proclamation of November 17th defines all rough or unworked lumber as conditional contraband under number nine or article twenty-three of German prize ordinance because susceptible of use as fuel. Exceptions are *lignum vitæ*, palisander, ebony, and similar woods and all woods greatly enhanced in value through working by hand or machine.

GERARD.

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*Ambassador Gerard to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
*Berlin, November 23, 1914.*

German Government has added following to list of conditional contraband:

No. 17. Woods of all kinds, rough or worked, that is hewn, sawed, planed, grooved, etc.; cylinder tar.

No. 18. Sulphur, crude or refined, and sulphuric acid.

GERARD.

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*Ambassador Gerard to the Secretary of State.*

No. 280.]

AMERICAN EMBASSY,  
*Berlin, November 23, 1914.*

SIR: I have the honor to transmit to you herewith translations of two notes received from the imperial foreign office conveying notification of

additions to the original lists of articles regarded as contraband by the German Government, which, as reported in my telegram of August 10, 1 p. m., corresponded in all respects with articles 22 and 24 of the Declaration of London.

I have, etc.

JAMES W. GERARD.

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[Inclosure 1—Translation.]

Foreign Office. No. IIIa.17064—81116.

NOTE VERBALE.

In supplement to its note verbale of August 6, 1914, IIIa.9222, the foreign office has the honor to inform the embassy of the United States of America that during the present hostilities the following materials will be considered as conditional contraband by Germany in addition to the articles and materials designated under No. 11, 1-14:

- 15. Copper (unworked) and
- 16. Lead in blocks, plates or tubes.

The foreign office begs that the embassy of the United States of America will kindly inform its Government of the above as soon as possible.

BERLIN, *October 22, 1914.*

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[Inclosure 2—Translation.]

Foreign Office. No. IIIa.19785—92997.

NOTE VERBALE.

In supplement to its notes verbales of August 6, 1914, and October 22, 1914, IIIa.9222 and 17064, the foreign office has the honor to inform the embassy of the United States of America that during the present hostilities the following will be considered by Germany as conditional contraband in addition to the articles and materials designated under 11, 1-16:

- 17. Woods of all kinds, rough or treated (in particular hewn, sawed, planed, grooved), charcoal cylinder tar.

- 18. Sulphur, crude or refined, sulphuric acid.

The foreign office begs that the embassy will kindly notify its Government of the above as soon as possible.

BERLIN, *November 23, 1914.*

*Ambassador Gerard to the Secretary of State.*

No. 307.]

AMERICAN EMBASSY,  
*Berlin, December 3, 1914.*

SIR: With reference to my dispatch No. 280, dated November 23, 1914, I have the honor to transmit to you herewith a copy, in translation, of a note received from the imperial German foreign office, dated November 30, 1914, in reply to an inquiry addressed by me to the foreign office to ascertain whether Germany regards quebracho wood in logs as contraband of war. It appears from the note of the foreign office that quebracho wood is held by the German Government to fall under the order of the imperial chancellor of November 23, 1914, and to be considered as conditional contraband.

I have, etc.

JAMES W. GERARD.

[Inclosure—Translation.]

Foreign Office. IIIa.19627—95869.

## NOTE VERBALE.

The foreign office has the honor to inform the embassy of the United States of America, in reply to the note verbale of the 20th instant (F. O. No. 1165), that quebracho wood is not to be considered as fuel within the meaning of article 23, No. 9, of the German prize ordinance, nor to be deemed contraband for this reason.

However, by an order of the imperial chancellor, dated November 23, 1914, Reichsgesetzblatt, page 481, all kinds of woods have been expressly declared to be conditional contraband, and quebracho wood in logs is included in such declaration.

*BERLIN, November 30, 1914.**Ambassador Gerard to the Secretary of State.*

No. 312.]

AMERICAN EMBASSY,  
*Berlin, December 8, 1914.*

SIR: With reference to the department's cable, No. 749, of December 3, 1914, and to my dispatch, No. 280, of November 23, 1914, I have the honor to transmit to you herewith three copies of the Reichsgesetzblatt, 1914, No. 101, containing the proclamation of the German Government relative to the treatment of wood, cylinder tar, sulphur, and sulphuric acid as conditional contraband.

I have, etc.

JAMES W. GERARD.

[Inclosure—Translation.]

Reichsgesetzblatt. Year 1914. No. 101.

(No. 4549.). Addition to the prize ordinance of September 30, 1909 (*Reichsgesetzblatt*, 1914, p. 275), of November 23, 1914.

I hereby prescribe in addition to the ordinance of October 18, 1914 (*Reichsgesetzblatt*, p. 441), that in the prize list of September 30, 1909, under the numeral 23, the following two further numbers be subjoined:

17. Woods of every kind, in the rough or manufactured (especially also cut, sawn, planed, grooved), wood-tar.

18. Sulphur, raw or refined, sulphuric acid.

Berlin, November 23, 1914.

Vice Imperial Chancellor,

DELBRÜCK.

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*Ambassador Gerard to the Secretary of State.*

No. 340.]

AMERICAN EMBASSY,  
*Berlin, December 15, 1914.*

SIR: With reference to my telegram of even date, I have the honor to transmit to you herewith five copies of a proclamation of the German Government, dated December 14, 1914, declaring aluminum and nickel to be conditional contraband. A translation of the proclamation is likewise appended.

I have, etc.

JAMES W. GERARD.

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[Inclosure 1—Translation.]

Reichsgesetzblatt, 1914. No. 112.

*Supplement to the prize ordinance of September 30, 1909. (Reichsgesetzblatt, 1914, page 275.)*

In supplement to the order of November 23, 1914 (*Reichsgesetzblatt*, page 481), I hereby order that the following two numbers shall be added to article 23 of the prize ordinance of September 30, 1909:

19. Aluminum.

20. Nickel.

Berlin, December 14, 1914.

Vice the Imperial Chancellor,

(Signed) DELBRÜCK.

[Inclosure 2—Translation.]

FOREIGN OFFICE. IIIa.21548—101928.]

NOTE VERBALE.

The Foreign Office has the honor to inform the Embassy of the United States of America, in supplement to the notes verbale of August 6, October 22, and November 23, 1914, Nos. IIIa.9222, 17064, and 19785 that during the present hostilities the following articles will be considered as conditional contraband by Germany, in addition to those recited in the notes verbale mentioned, Nos. 1-18:

19. Aluminum.

20. Nickel.

The Foreign Office begs that the Embassy would be good enough to inform its Government of the above as soon as possible.

Berlin, December 14, 1914.

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*Ambassador Gerard to the Secretary of State.*

No. 896.]

AMERICAN EMBASSY,  
*Berlin, April 26, 1915.*

SIR: With reference to my telegram No. 2097, dated April 21, 1915, I have the honor to transmit to you herewith five copies of Reichsgesetzblatt, 1915, No. 49, with translation, containing the modifications and amendments of the German prize ordinance recently promulgated.

I have, etc.,

JAMES W. GERARD.

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[Translation.]

Reichsgesetzblatt, 1915. No. 49.

*Ordinance relative to amendments of the prize ordinance of September 30, 1909.*

In retaliation of the regulations adopted by England and her allies, deviating from the London declaration of maritime law of February 26, 1909, I approve of the following amendments of the prize ordinance of September 30, 1909, and of its supplements, dated October 18, November 23, and December 14, 1914, for the period of the present war.

Articles 21, 23, 27, 33, 35, 40, and the additions to Article 23 shall be replaced by the following provisions:

ARTICLE 21. The following articles and materials, designated absolute contraband, shall be considered contraband of war:

1. Arms of all kinds, including arms for sporting purposes, and their distinctive component parts.
2. Projectiles, charges, and cartridges of all kinds, and their distinctive component parts.
3. Powder and explosives of all kinds.
4. Cannon barrels, gun mountings, limber boxes, limbers, field kitchens and bakeries, supply wagons, field forges, searchlights and searchlight accessories, and their distinctive component parts.
5. Range finders and their distinctive component parts.
6. Field glasses, telescopes, chronometers, and all kinds of nautical instruments.
7. Clothing and equipment of a distinctively military character.
8. Saddle, draft, and pack animals suitable for use in war.
9. All kinds of harness of a distinctively military character.
10. Articles of camp equipment and their distinctive component parts.
11. Armor plates.
12. Lead, pig, sheet, or pipe.
13. Barbed wire, and implements for fixing and cutting the same.
14. Tinplate.
15. Warships, including boats and their distinctive component parts of such a nature that they can only be used on a vessel of war; ship plates and construction steel.
16. Submarine sound signaling apparatus.
17. Aeroplanes, airships, balloons, and aircraft of all kinds, and their distinctive component parts, together with accessories, articles and materials, recognizable as intended for use in connection with balloons and aircraft.
18. Implements and devices designed exclusively for the manufacture and repair of arms and munitions of war.
19. Lathes of all kinds.
20. Mining lumber.
21. Coal and coke.
22. Flax.

ARTICLE 23. The following articles and materials suitable for warlike as well as for peaceful purposes, coming under the designation of conditional contraband, shall be considered as contraband of war:

1. Foodstuffs.
2. Forage and all kinds of feeding stuffs.
3. Clothing, fabrics for clothing, and boots and shoes, suitable for use in war.
4. Wool from animals, raw or dressed, together with woolen carded yarns, and worsted yarns.
5. Gold and silver, in coin or bullion; paper money.
6. Vehicles of all kinds, especially all motor vehicles available for use in war, and their component parts.
7. Rubber tires for motor vehicles, together with all articles or materials especially used in the manufacture or repair of rubber tires.
8. Rubber and gutta-percha, together with goods made thereof.



9. Railway materials, both fixed and rolling stock, and materials for telegraphs, wireless telegraphs, and telephones.

10. Fuel, excepting coal and coke; lubricants.

11. Sulphur, sulphuric acid, nitric acid.

12. Horseshoes and shoeing materials.

13. The following ores: Wolframite, scheelite, molybdenite, nickel ore, chrome ore, hematite iron ore, manganese ore, lead ore.

14. The following metals: Wolfram, molybdenum, vanadium, nickel, selenium, cobalt, hematite pig iron, manganese, aluminium, copper.

15. Antimony, together with the sulphides and oxides of antimony.

16. Ferro alloys, including ferrowolfram, ferromolybdenum, ferromanganese, ferrovandium, ferrochrome.

17. Harness and saddlery.

18. Leather, treated and untreated, when suitable for saddlery, harness, military boots or military clothing.

19. Tanning materials of all kinds, including extracts used in tanning.

20. All kinds of lumber, rough or treated, especially hewn, sawed, planed, fluted, excepting mining lumber, tar of charcoal.

21. Vessels, craft, and boats of all kinds, floating docks, parts of docks, and their component parts.

The following articles can not be declared contraband of war:

1. Raw cotton, raw silk, raw jute, raw hemp.

2. Resin, lacks, hops.

3. Raw skins, horns, bones, and ivory.

4. Natural and artificial fertilizers.

5. Earth, clay, lime, chalk; stones, including marble; bricks, slates, and roofing tiles.

6. Porcelain and glass.

7. Paper, and the materials prepared for its manufacture.

8. Soap; paints, including the materials exclusively used for their manufacture, and varnish.

9. Chloride of lime, soda, caustic soda, sulphate of soda in cakes, ammonia, sulphate of ammonia, and copper sulphate.

10. Machines for agriculture, for mining, for the textile industry, and for printing.

11. Precious stones, fine stones, pearls, mother-of-pearl, and corals.

12. Clocks, standing clocks and watches, excepting chronometers.

13. Fashion and fancy goods.

14. Feathers of all kinds, hair and bristles.

15. Furniture and decorative articles, office furniture and requirements.

ARTICLE 33. In the absence of conditions to the contrary, the hostile destination referred to in article 32 is to be presumed when (A) the goods are consigned to an enemy authority or the agent of such or to a dealer shown to have supplied articles of the kind in question or products thereof to the armed forces or the administrative authorities of the enemy state; (B) the goods are consigned to order or the ship's papers do not show who is the consignee or the goods are consigned to a person in territory belonging to or occupied by the enemy; (C) the goods are destined for an armed place of the enemy or a place serving as a base of operations or supplies to the armed forces of the enemy.

Merchant vessels themselves are not to be considered as destined for the armed forces or the administrative authorities of the enemy solely for the reason that they are found en route to one of the places referred to under letter C.

ARTICLE 35. Articles of conditional contraband are liable to seizure only on a vessel en route to territory belonging to or occupied by the enemy or to the armed forces of the enemy, and such vessel is not intended to unload these articles in an intermediate neutral port—that is to say, in a port at which the vessel is to call previous to reaching the ultimate destination designated.

This paragraph shall not apply if the conditions provided in article 33, letter B, are present or if the vessel is bound for a neutral country with regard to which it is shown that the enemy government draws articles of the kind in question from that country.

ARTICLE 40. A vessel can not be captured on the ground of an already completed voyage carrying contraband. If, however, the vessel carried contraband to the enemy contrary to the indications of the ship's papers, it shall be liable to capture and condemnation until the end of the war.

This ordinance shall take effect the day of its promulgation.

Chief Headquarters, April 18, 1915.

[L.S.]

(Signed)

WILHELM.  
V. TIRPITZ.

#### AUSTRO-HUNGARIAN CONTRABAND.

*Ambassador Penfield to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
Vienna, September 7, 1914.

Austro-Hungarian Government desires British Government be notified that they will treat as absolute or conditional contraband those objects and material which are enumerated in Articles twenty-two and twenty-four of Declaration of London.<sup>1</sup>

PENFIELD.

*Ambassador Penfield to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
Vienna, January 15, 1915.

Austro-Hungarian Government declares, under date of 14th instant,

<sup>1</sup> See Part II, pp. 37 and 38.

following objects conditional contraband in addition to list enumerated Article 24, Declaration of London, as follows:

Copper in rough, lead in blocks, plates or tubes, wood of every kind, rough or worked, specially designed, sawn, planed; or grooved wood, tar, sulphur, rough or refined, sulphuric acid, aluminum, nickel.

PENFIELD.

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*Ambassador Penfield to the Secretary of State.*

No. 299.]

AMERICAN EMBASSY,  
*Vienna, January 18, 1915.*

SIR: I have the honor to transmit herewith inclosed, for the information of the department, copy, with translation, of a communication from the Austro-Hungarian Ministry of Foreign Affairs, dated the 14th instant, enumerating a list, as reported in my telegram No. 428 of the 15th instant, of conditional *contraband of war* in addition to those enumerated in Article 24 of the Declaration of London of February 26th, 1909.

I have, etc.,

FREDERIC C. PENFIELD.

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[Inclosure—Translation.]

MINISTRY OF THE I. AND R. HOUSEHOLD AND OF FOREIGN AFFAIRS.

2,989

— 1915

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VIENNA, *January 14, 1915.*

NOTE VERBALE.

The Imperial and Royal Ministry of Foreign Affairs has the honor to announce that the following articles will in future be considered conditional contraband of war by the Imperial and Royal naval forces pursuant to the Declaration of London of February 26, 1909, in addition to the objects and the materials enumerated in article 24 of the said declaration:

- (1) Copper in rough.
- (2) Lead in blocks, plates, or tubes.
- (3) Wood of every kind, rough or worked, specially designed, sawn, planed, or grooved; wood tar.
- (4) Sulphur, rough or refined; sulphuric acid.

(5) Aluminum.

(6) Nickel.

The Embassy of the United States of America is requested to be good enough to communicate this notification to its Government with the utmost dispatch.

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TURKISH CONTRABAND.

*Ambassador Morgenthau to the Secretary of State.*

No. 154.]

AMERICAN EMBASSY,

*Constantinople, December 18, 1914.*

SIR: In reply to the Department's telegraphic instruction No. 132 of the 10th instant, and referring to my telegram of the 16th instant, I have the honor to transmit herewith, in duplicate and with translation, a note of the 15th instant from the Sublime Porte, communicating the lists of things which the Ottoman Government has declared to be absolute or conditional contraband of war during the present hostilities.

I have, etc.,

H. MORGENTHAU.

\_\_\_\_\_  
[Inclosure—Translation.]

SUBLIME PORTE, MINISTRY FOR FOREIGN AFFAIRS,

*December 15, 1914.*

58636. 142.

CIRCULAR—NOTE VERBALE.

The Ministry for Foreign Affairs has the honor to transmit herewith to the Embassy of the United States of America the list giving the objects which the Imperial Ottoman Government has decided to consider as absolute and conditional contraband of war during the hostilities now existing.

The Imperial Ministry requests the Embassy of the United States to kindly give this communication the attention it requires.

To the EMBASSY OF THE UNITED STATES OF AMERICA.

## [Subinclosure—Translation.]

## LIST OF THE OBJECTS CONSIDERED AS CONTRABAND OF WAR BY THE OTTOMAN GOVERNMENT.

## I.

The following objects and materials are considered as absolute contraband of war:

1. Firearms of all kinds, light and heavy, including arms for sporting purposes; side arms; their component parts of all sorts.
2. Projectiles, cartridges, and charges of all kinds; torpedoes and all component parts, simple or compound, connected with them.
3. Powder of all kinds and all other explosives and detonating substances used in war, such as saltpeter, sulphur, sulphate of potassium, potassium compounds, and all other similar chemical substances necessary for their manufacture.
4. Powder and explosive chemical products of all kinds, not specially prepared for use in war.
5. Gun mountings and limber boxes or their component parts, their wheels and naves, limbers, ammunition and transport wagons, in general, field forges, ammunition chests, vehicles for use in transporting heavy weights, automobile trucks, motors suitable for use in the service of the army or of the marine, all kinds of similar means of transportation and their component parts, simple or compound; all oils and greases used in artillery and in the other branches of the service.
6. pontoons and all instruments and material for the setting up of bridges; means of water transportation and all building wood.
7. All kinds of machines moved by steam, petroleum, benzine, and electricity, as well as their component parts, simple or compound; acetylene or electric projectors; lamps, heliostats, heliographs, and all electrical apparatus.
8. Clothing and equipment, fabrics and boots and shoes of a distinctively military character.
9. Military harness and saddles, headstalls for beasts of burden, articles of saddlery, saddlery material suitable for harnessing, military ovens and kitchens, tents of every kind and their accessories, equipment suitable for use in the army and military material.
10. Material\* and all instruments, articles, and component objects, simple or compound, which can be utilized in fortifying a position to serve as a camp.
11. War vessels, including boats, objects and material which can only be used on vessels and boats of this category, floating docks and component parts simple or compound, cranes for use in raising heavy weights, as well as all kinds of machines serving this purpose, motor boats, boats, pontoons (tanks or for transport), all machines suitable for the manufacture and repair of arms and of army and navy equipment; workshops and their component parts, simple or compound.
12. Balloons, aviation apparatus, air ships and their component parts, simple or compound.
13. Saddle, draft, and pack animals.
14. Armor plates, lead, sheet iron, platinum, copper plates, iron elbows, iron bars, screws, iron, zinc, tin plates and rods, wood of all kinds.
- 15. Coal.

## II.

Are considered as conditional contraband of war:

1. Foodstuffs of all kinds, including wines.
2. Forage and grain suitable for feeding animals, and also cereals.
3. Books concerning military service on land and sea, particularly books and pictures relating to ordnance.
4. Gold and silver in coin or bullion and paper money.
5. Railway material, both fixed and rolling stock; the various instruments and materials of Décauville railways, as well as automobiles for hire, bicycles, and motor cycles.
6. Apparatus and material for telegraphs, wireless telegraphs, telephones, and cables.
7. Clothing of all kinds, fabrics for clothing, and boots and shoes.
8. Horseshoes, all shoeing instruments, objects and material.
9. Barbed wire, as well as instruments and material for setting up, fixing, stretching, or cutting the same.
10. Fuel oil (pacura), naphtha, benzine, petroleum, and similar substances which might be utilized as fuel in the place of coal.
11. Field glasses, telescopes, the various instruments used in determining distances, maps, chronometers, the various apparatus and instruments of naval observation and topographical apparatus and instruments.

*Ambassador Morgenthau to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,

*Constantinople, December 22, 1914, 8 a. m.*

Ottoman Government contraband declaration included, in addition to things mentioned in articles 22 and 24, Declaration of London, following as absolute contraband:

Pontoons, bridge materials, all machine projectors, lamps, all electric apparatus, military kitchens, tents and accessories, cranes, floating docks, motor boats, lead, sheet iron, platinum, iron bars, copper plates, screws, iron, zinc, tin plates and rods, wood, coal, and anything mentioned in third, fifth, eighth, and tenth sections, article 24, Declaration of London.

As conditional contraband:

Wines, cereals, military and naval books, pictures, charts, Décauville railway material, automobiles, bicycles, motor cycles, apparatus and material for cables.

MORGENTHAU.

*Ambassador Morgenthau to the Secretary of State.*

No. 161.]

AMERICAN EMBASSY,  
*Constantinople, December 24, 1914.*

SIR: Referring to my despatch No. 154 of the 18th instant and to my telegram No. 206 of to-day's date communicating the lists of articles declared to be contraband of war by the Ottoman Government, I have the honor to inclose herewith copy and translation of a note of yesterday's date from the Sublime Porte giving an additional list of articles considered as conditional contraband, which formed the subject of my telegram mentioned above.

I have, etc.

H. MORGENTHAU.

[Inclosure—Translation.]

SUBLIME PORTE, MINISTRY FOR FOREIGN AFFAIRS,  
*December 23, 1914.*

58992. 150.

CIRCULAR—NOTE VERBALE.

In continuation of its circular note verbale dated December 15, 1914, No. 58636/142, the Ministry for Foreign Affairs has the honor to inform the Embassy of the United States of America that the Imperial Government has decided to add to list No. II attached thereto, giving the objects considered as conditional contraband of war:

1. Crude copper.
2. Lead—pig, plates, and pipes.
3. Glycerine.
4. Ferrochrome.
5. Hematite.
6. Magnetic iron ore.
7. Rubber.
8. Leather and raw or partially tanned skins (not including dressed skins).

The embassy of the Republic is requested to give the above information to interested parties.

*Ambassador Morgenthau to the Secretary of State.*

No. 170.]

AMERICAN EMBASSY,  
*Constantinople, January 5, 1915.*

SIR: Referring to my despatches No. 154 of December 18th and No. 161 of December 24th last, in which I transmitted the lists of articles

declared to be contraband of war by the Ottoman Government, I have the honor to inclose herewith a copy and translation of a note from the Sublime Porte suppressing the words "potassium compounds" in the previous list and replacing them by the words "muriate of potassium."

I have, etc.,

H. MORGENTHAU.

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[Inclosure—Translation.]

SUBLIME PORTE, MINISTRY FOR FOREIGN AFFAIRS,  
*January 4, 1915.*

59453. 3.

NOTE VERBALE—CIRCULAR.

Referring to its circular note verbale dated December 15, 1914, No. 58636/142, the Ministry for Foreign Affairs has the honor to inform the Embassy of the United States of America that the Imperial Government has decided to suppress the words "potassium compounds" appearing in No. 3 of the first section of the accompanying list—which concerns the objects and materials which are absolute contraband of war—and to replace them by the words "muriate of potassium."

While reserving the right to inform it later of any new modifications which might be made in the said list, the Imperial Ministry has the honor to request the Embassy of the Republic to inform interested parties of the present communication for such attention as it requires.

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*Ambassador Morgenthau to the Secretary of State.*

No. 243.]

AMERICAN EMBASSY,  
*Constantinople, March 12, 1915.*

SIR: I have the honor to enclose herewith copy and translation from "La Turquie," dated March 4, 1915, showing list of objects considered as contraband of war by the Ottoman Government.

I have, etc.,

H. MORGENTHAU.



[Inclosure—Translation—From "La Turquie."]

CONSTANTINOPLE, *March 4, 1915*

CONTRABAND OF WAR.

List of objects considered as contraband of war by the Ottoman Government. The following objects and materials are considered as absolute contraband of war:

1. Firearms of all kinds, light and heavy, including hunting guns; side arms; their detached pieces of every kind.
2. Projectiles, cartridges, and cannon cartridges of every kind; torpedoes and all pieces relative thereto, detached simple or composed.
3. Powder of every kind and all kinds of explosives and exploding materials used in war; as well as saltpeter, sulphur, sulphatic potassium, muriatic potassium and all other similar chemical materials necessary to their fabrication.
4. Powders and the chemical explosive products of every kind not particularly meant for war.
5. Gun carriages, ammunition wagons and their detached pieces, their wheels and naves, fore carriages, munition trucks, and of transfer in general, campaign forges, cases of munitions; vehicles for the transporting of heavy burdens, automobile trucks, motors utilisable for the service of the army and the fleet, every kind of similar transport and their detached pieces simple or composed, all oils and greases used in the artillery and in the other services.
6. pontoons and all instruments and materials used for the making of pontoons, all wood for construction.
7. Every kind of machine worked by steam, by petroleum, by benzine and electricity as well as their detached pieces simple or composed; lamps, heliostats, heliograph and all electrical apparatus.
8. Clothing and equipment, stuff and military shoes.
9. Harnesses and military saddles, bridles for beasts of burden, articles of saddlery used for harnesses, ovens and military kitchens, tents of every kind and their accessories, equipments necessary for the army's use, and military materials.
10. Material and all instruments, articles, and objects detached, simple or composed, which can be used to fortify a position or used for the service of a camp.
11. Warships and boats, objects and materials used only on ships and boats of this category, floating docks and their detached pieces, simple or composed, the machines used for raising heavy loads as well as every kind of machine for such purposes, small motor boats, small boats, pontoons (tanks or of transport), every machine used for the fabrication or the preparation of arms and of equipments of the army and of the fleet, workshops and their detached parts, simple or composed.
12. Balloons, aviation materials, airships, and their parts, detached, simple or composed.
13. Saddle, draught, and pack animals.
14. Iron, lead, sheet iron, sheets of leather, iron angles, iron bars, screws, zinc, tin, and wood of every kind.
15. Oil.

The following are considered as conditional contraband of war:

1. Foodstuffs, including wine.

2. Grain used for the nourishment of animals, as well as cereals.
3. Books concerning the military and naval services, especially the books and pictures relative to ordnance.
4. Gold and silver in coin or in bullion and papers representing money.
5. Railway material, fixed or movable, instruments and various Décauville railroad materials, as well as automobiles, bicycles, and motorcycles.
6. Materials for telegraphs, wireless, and telephones, and cables.
7. Clothing of every kind, stuff for clothing and shoes.
8. Horseshoes, all instruments, objects, and materials used for horseshoeing.
9. Barbed wire, as well as tools used for stretching and cutting it.
10. Pacura, naphtha, benzine, petroleum, as well as analogous materials which could be used as combustibles representing oil.
11. Glasses, telescopes, the various instruments for observing distances, maps, chronometers, the various instruments used for naval and topographic observations, crude copper, lead in sheet and tubes, glycerine, ferrochrome, iron hematite, magnetic iron, rubber, leather, raw skins or incompletely tanned (not including cured skins).

## PART III.

## RESTRAINTS ON COMMERCE.

*The Secretary of State to Ambassador W. H. Page.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, December 26, 1914.*

The present condition of American foreign trade resulting from the frequent seizures and detentions of American cargoes destined to neutral European ports has become so serious as to require a candid statement of the views of this Government in order that the British Government may be fully informed as to the attitude of the United States toward the policy which has been pursued by the British authorities during the present war.

You will, therefore, communicate the following to His Majesty's principal secretary of state for foreign affairs, but in doing so you will assure him that it is done in the most friendly spirit and in the belief that frankness will better serve the continuance of cordial relations between the two countries than silence, which may be misconstrued into acquiescence in a course of conduct which this Government can not but consider to be an infringement upon the rights of American citizens.

The Government of the United States has viewed with growing concern the large number of vessels laden with American goods destined to neutral ports in Europe, which have been seized on the high seas, taken into British ports and detained sometimes for weeks by the British authorities. During the early days of the war this Government assumed that the policy adopted by the British Government was due to the unexpected outbreak of hostilities and the necessity of immediate action to prevent contraband from reaching the enemy. For this reason it was not disposed to judge this policy harshly or protest it vigorously, although it was manifestly very injurious to American trade with the neutral countries of Europe. This Government, relying con-

fidently upon the high regard which Great Britain has so often exhibited in the past for the rights of other nations, confidently awaited amendment of a course of action which denied to neutral commerce the freedom to which it was entitled by the law of nations.

This expectation seemed to be rendered the more assured by the statement of the foreign office early in November that the British Government were satisfied with guarantees offered by the Norwegian, Swedish, and Danish Governments as to nonexportation of contraband goods when consigned to named persons in the territories of those Governments, and that orders had been given to the British fleet and customs authorities to restrict interference with neutral vessels carrying such cargoes so consigned to verification of ship's papers and cargoes.

It is therefore a matter of deep regret that, though nearly five months have passed since the war began, the British Government have not materially changed their policy and do not treat less rigorously ships and cargoes passing between neutral ports in the peaceful pursuit of lawful commerce, which belligerents should protect rather than interrupt. The greater freedom from detention and seizure which was confidently expected to result from consigning shipments to definite consignees, rather than "to order," is still awaited.

It is needless to point out to His Majesty's Government, usually the champion of the freedom of the seas and the rights of trade, that peace, not war, is the normal relation between nations and that the commerce between countries which are not belligerents should not be interfered with by those at war unless such interference is manifestly an imperative necessity to protect their national safety, and then only to the extent that it is a necessity. It is with no lack of appreciation of the momentous nature of the present struggle in which Great Britain is engaged and with no selfish desire to gain undue commercial advantage that this Government is reluctantly forced to the conclusion that the present policy of His Majesty's Government toward neutral ships and cargoes exceeds the manifest necessity of a belligerent and constitutes restrictions upon the rights of American citizens on the high seas which are not justified by the rules of international law or required under the principle of self-preservation.

The Government of the United States does not intend at this time to discuss the propriety of including certain articles in the lists of absolute and conditional contraband, which have been proclaimed by His Majesty. Open to objection as some of these seem to this Government,

the chief ground of present complaint is the treatment of cargoes of both classes of articles when bound to neutral ports.

Articles listed as absolute contraband, shipped from the United States and consigned to neutral countries, have been seized and detained on the ground that the countries to which they were destined have not prohibited the exportation of such articles. Unwarranted as such detentions are, in the opinion of this Government, American exporters are further perplexed by the apparent indecision of the British authorities in applying their own rules to neutral cargoes. For example, a shipment of copper from this country to a specified consignee in Sweden was detained because, as was stated by Great Britain, Sweden had placed no embargo on copper. On the other hand, Italy not only prohibited the export of copper, but, as this Government is informed, put in force a decree that shipments to Italian consignees or "to order," which arrive in ports of Italy can not be exported or transshipped. The only exception Italy makes is of copper which passes through that country in transit to another country. In spite of these decrees, however, the British Foreign Office has thus far declined to affirm that copper shipments consigned to Italy will not be molested on the high seas. Seizures are so numerous and delays so prolonged that exporters are afraid to send their copper to Italy, steamship lines decline to accept it, and insurers refuse to issue policies upon it. In a word, a legitimate trade is being greatly impaired through uncertainty as to the treatment which it may expect at the hands of the British authorities.

We feel that we are abundantly justified in asking for information as to the manner in which the British Government propose to carry out the policy which they have adopted, in order that we may determine the steps necessary to protect our citizens, engaged in foreign trade, in their rights and from the serious losses to which they are liable through ignorance of the hazards to which their cargoes are exposed.

In the case of conditional contraband the policy of Great Britain appears to this Government to be equally unjustified by the established rules of international conduct. As evidence of this, attention is directed to the fact that a number of the American cargoes which have been seized consist of foodstuffs and other articles of common use in all countries which are admittedly relative contraband. In spite of the presumption of innocent use because destined to neutral territory, the British authorities made these seizures and detentions without, so far as we are informed, being in possession of facts which warranted a

reasonable belief that the shipments had in reality a belligerent destination, as that term is used in international law. Mere suspicion is not evidence and doubts should be resolved in favor of neutral commerce, not against it. The effect upon trade in these articles between neutral nations resulting from interrupted voyages and detained cargoes is not entirely cured by reimbursement of the owners for the damages which they have suffered, after investigation has failed to establish an enemy destination. The injury is to American commerce with neutral countries as a whole through the hazard of the enterprise and the repeated diversion of goods from established markets.

It also appears that cargoes of this character have been seized by the British authorities because of a belief that, though not originally so intended by the shippers, they will ultimately reach the territory of the enemies of Great Britain. Yet this belief is frequently reduced to a mere fear in view of the embargoes which have been decreed by the neutral countries, to which they are destined, on the articles composing the cargoes.

That a consignment "to order" of articles listed as conditional contraband and shipped to a neutral port raises a legal presumption of enemy destination appears to be directly contrary to the doctrines previously held by Great Britain and thus stated by Lord Salisbury during the South African War:

Foodstuffs, though having a hostile destination, can be considered as contraband of war only if they are for the enemy's forces; it is not sufficient that they are capable of being so used, it must be shown that this was in fact their destination at the time of their seizure.

With this statement as to conditional contraband the views of this Government are in entire accord, and upon this historic doctrine, consistently maintained by Great Britain when a belligerent as well as a neutral, American shippers were entitled to rely.

The Government of the United States readily admits the full right of a belligerent to visit and search on the high seas the vessels of American citizens or other neutral vessels carrying American goods and to detain them *when there is sufficient evidence to justify a belief that contraband articles are in their cargoes*; but His Majesty's Government, judging by their own experience in the past, must realize that this Government can not without protest permit American ships or American cargoes to be taken into British ports and there detained for the purpose of searching generally for evidence of contraband, or upon pre-

sumptions created by special municipal enactments which are clearly at variance with international law and practice.

This Government believes, and earnestly hopes His Majesty's Government will come to the same belief, that a course of conduct more in conformity with the rules of international usage, which Great Britain has strongly sanctioned for many years, will in the end better serve the interests of belligerents as well as those of neutrals.

Not only is the situation a critical one to the commercial interests of the United States, but many of the great industries of this country are suffering because their products are denied long-established markets in European countries, which, though neutral, are contiguous to the nations at war. Producers and exporters, steamship and insurance companies are pressing, and not without reason, for relief from the menace to trans-Atlantic trade which is gradually but surely destroying their business and threatening them with financial disaster.

The Government of the United States, still relying upon the deep sense of justice of the British Nation, which has been so often manifested in the intercourse between the two countries during so many years of uninterrupted friendship, expresses confidently the hope that his Majesty's Government will realize the obstacles and difficulties which their present policy has placed in the way of commerce between the United States and the neutral countries of Europe, and will instruct its officials to refrain from all unnecessary interference with the freedom of trade between nations which are sufferers, though not participants, in the present conflict; and will in their treatment of neutral ships and cargoes conform more closely to those rules governing the maritime relations between belligerents and neutrals, which have received the sanction of the civilized world, and which Great Britain has, in other wars, so strongly and successfully advocated.

In conclusion, it should be impressed upon His Majesty's Government that the present condition of American trade with the neutral European countries is such that, if it does not improve, it may arouse a feeling contrary to that which has so long existed between the American and British peoples. Already it is becoming more and more the subject of public criticism and complaint. There is an increasing belief, doubtless not entirely unjustified, that the present British policy toward American trade is responsible for the depression in certain industries which depend upon European markets. The attention of the British Government is called to this possible result of their present policy to show

how widespread the effect is upon the industrial life of the United States and to emphasize the importance of removing the cause of complaint.

BRYAN.

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*The British Secretary of State for Foreign Affairs to Ambassador W. H. Page.*

FOREIGN OFFICE, *January 7, 1915.*

YOUR EXCELLENCY: I have the honor to acknowledge receipt of your note of the 28th of December.

It is being carefully examined and the points raised in it are receiving consideration, as the result of which a reply shall be addressed to Your Excellency, dealing in detail with the issues raised and the points to which the United States Government have drawn attention. This consideration and the preparation of the reply will necessarily require some time, and I therefore desire to send without further delay some preliminary observations which will, I trust, help to clear the ground and remove some misconceptions that seem to exist.

Let me say at once that we entirely recognize the most friendly spirit referred to by Your Excellency, and that we desire to reply in the same spirit and in the belief that, as Your Excellency states, frankness will best serve the continuance of cordial relations between the two countries.

His Majesty's Government cordially concur in the principle enunciated by the Government of the United States that a belligerent, in dealing with trade between neutrals, should not interfere unless such interference is necessary to protect the belligerent's national safety, and then only to the extent to which this is necessary. We shall endeavor to keep our action within the limits of this principle on the understanding that it admits our right to interfere when such interference is, not with "bona fide" trade between the United States and another neutral country, but with trade in contraband destined for the enemy's country, and we are ready, whenever our action may unintentionally exceed this principle, to make redress.

We think that much misconception exists as to the extent to which we have, in practice, interfered with trade. Your Excellency's note seems to hold His Majesty's Government responsible for the present condition of trade with neutral countries, and it is stated that, through the action



of His Majesty's Government, the products of the great industries of the United States have been denied long established markets in European countries which, though neutral, are contiguous to the seat of war. Such a result is far from being the intention of His Majesty's Government, and they would exceedingly regret that it should be due to their action. I have been unable to obtain complete or conclusive figures showing what the state of trade with these neutral countries has been recently, and I can therefore only ask that some further consideration should be given to the question whether United States trade with these neutral countries has been so seriously affected. The only figures as to the total volume of trade that I have seen are those for the exports from New York, for the month of November, 1914, and they are as follows, compared with the month of November, 1913:

*Exports from New York for November, 1913 [and] November, 1914, respectively.*

|                   |           |             |
|-------------------|-----------|-------------|
| Denmark . . . . . | \$558,000 | \$7,101,000 |
| Sweden . . . . .  | 377,000   | £,858,000   |
| Norway . . . . .  | 477,000   | £,318,000   |
| Italy . . . . .   | 2,971,000 | 4,781,000   |
| Holland . . . . . | 4,389,000 | £,960,000   |

It is true that there may have been a falling off in cotton exports, as to which New York figures would be no guide, but His Majesty's Government have been most careful not to interfere with cotton, and its place on the free list has been scrupulously maintained.

We do not wish to lay too much stress upon incomplete statistics; the figures above are not put forward as conclusive; and we are prepared to examine any further evidence with regard to the state of trade with these neutral countries, which may point to a different conclusion or show that it is the action of His Majesty's Government in particular, and not the existence of a state of war and consequent diminution of purchasing power and shrinkage of trade, which is responsible for adverse effects upon trade with the neutral countries.

That the existence of a state of war on such a scale has had a very adverse effect upon certain great industries, such as cotton, is obvious; but it is submitted that this is due to the general cause of diminished purchasing power of such countries as France, Germany, and the United Kingdom, rather than to interference with trade with neutral countries. In the matter of cotton, it may be recalled that the British Government gave special assistance through the Liverpool Cotton

Exchange to the renewal of transactions in the cotton trade of not only the United Kingdom but of many neutral countries.

Your Excellency's note refers in particular to the detention of copper. The figures taken from official returns for the export of copper from the United States for Italy for the months during which the war has been in progress up to the end of the first three weeks of December are as follows:

Nineteen thirteen: Fifteen million two hundred two thousand pounds. Nineteen fourteen: Thirty-six million two hundred eighty-five thousand pounds. Norway, Sweden, Denmark, and Switzerland are not shown separately for the whole period in the United States returns but are included in the heading "Other Europe" (that is, Europe other than the United Kingdom, Russia, France, Belgium, Austria, Germany, Holland, and Italy). The corresponding figures under this heading are as follows:

Nineteen thirteen: Seven million two hundred seventy-one thousand pounds. Nineteen fourteen: Thirty-five million three hundred forty-seven thousand pounds.

With such figures the presumption is very strong that the bulk of copper consigned to these countries has recently been intended, not for their own use, but for that of a belligerent who can not import it direct. It is therefore an imperative necessity for the safety of this country while it is at war that His Majesty's Government should do all in their power to stop such part of this import of copper as is not genuinely destined for neutral countries.

Your Excellency does not quote any particular shipment of copper to Sweden, which has been detained. There are, however, four consignments to Sweden at the present time of copper and aluminium which, though definitely consigned to Sweden, are, according to positive evidence in the possession of His Majesty's Government, definitely destined for Germany.

I can not believe that, with such figures before them and in such cases as those just mentioned, the Government of the United States would question the propriety of the action of His Majesty's Government in taking suspected cargoes to a prize court, and we are convinced that it can not be in accord with the wish either of the Government or of the people of the United States to strain the international code in favor of private interests so as to prevent Great Britain from taking such legitimate means for this purpose as are in her power.

With regard to the seizure of foodstuffs to which Your Excellency refers, His Majesty's Government are prepared to admit that foodstuffs should not be detained and put into a prize court without presumption that they are intended for the armed forces of the enemy or the enemy government. We believe that this rule has been adhered to in practice hitherto, but if the United States Government have instances to the contrary, we are prepared to examine them, and it is our present intention to adhere to the rule, though we can not give an unlimited and unconditional undertaking in view of the departure by those against whom we are fighting from hitherto accepted rules of civilization and humanity and the uncertainty as to the extent to which such rules may be violated by them in future.

From the 4th of August last to the 3d of January the number of steamships proceeding from the United States for Holland, Denmark, Norway, Sweden, and Italy has been seven hundred and seventy-three. Of these there are forty-five which have had consignments or cargoes placed in the prize court while of the ships themselves only eight have been placed in the prize court and one of these has since been released. It is, however, essential under modern conditions that where there is real ground for suspecting the presence of contraband, the vessels should be brought into port for examination: in no other way can the right of search be exercised, and but for this practice it would have to be completely abandoned. Information was received by us that special instructions had been given to ship rubber from the United States under another designation to escape notice, and such cases have occurred in several instances. Only by search in a port can such cases, when suspected, be discovered and proved. The necessity for examination in a port may also be illustrated by a hypothetical instance, connected with cotton, which has not yet occurred. Cotton is not specifically mentioned in Your Excellency's note, but I have seen public statements made in the United States that the attitude of His Majesty's Government with regard to cotton has been ambiguous, and thereby responsible for depression in the cotton trade. There has never been any foundation for this allegation. His Majesty's Government have never put cotton on the list of contraband; they have throughout the war kept it on the free list; and, on every occasion when questioned on the point, they have stated their intention of adhering to this practice. But information has reached us that precisely because we have declared our intention of not interfering with cotton, ships carrying cotton will be specially

selected to carry concealed contraband; and we have been warned that copper will be concealed in bales of cotton. Whatever suspicions we have entertained, we have not so far made these a ground for detaining any ship carrying cotton; but, should we have information giving us real reason to believe in the case of a particular ship that the bales of cotton concealed copper or other contraband, the only way to prove our case would be to examine and weigh the bales; a process that could be carried out only by bringing the vessel into a port. In such a case, or if examination justified the action of His Majesty's Government, the case shall be brought before a prize court and dealt with in the ordinary way.

That the decisions of British prize courts hitherto have not been unfavorable to neutrals is evidenced by the decision in the *Miramichi* case. This case, which was decided against the Crown, laid down that the American shipper was to be paid even when he had sold a cargo c. i. f. and when the risk of loss after the cargo had been shipped did not apply to him at all.

It has further been represented to His Majesty's Government, though this subject is not dealt with in Your Excellency's note, that our embargoes on the export of some articles, more especially rubber, have interfered with commercial interests in the United States. It is, of course, difficult for His Majesty's Government to permit the export of rubber from British Dominions to the United States at a time when rubber is essential to belligerent countries for carrying on the war, and when a new trade in exporting rubber from the United States in suspiciously large quantities to neutral countries has actually sprung up since the war. It would be impossible to permit the export of rubber from Great Britain unless the right of His Majesty's Government were admitted to submit to a prize court cargoes of rubber exported from the United States which they believe to be destined for an enemy country, and reasonable latitude of action for this purpose were conceded. But His Majesty's Government have now provisionally come to an arrangement with the rubber exporters in Great Britain which will permit of licenses being given under proper guaranties for the export of rubber to the United States.

We are confronted with the growing danger that neutral countries contiguous to the enemy will become on a scale hitherto unprecedented a base of supplies for the armed forces of our enemies and for materials for manufacturing armament. The trade figures of imports show how

strong this tendency is, but we have no complaint to make of the attitude of the Governments of those countries, which so far as we are aware have not departed from proper rules of neutrality. We endeavor in the interest of our own national safety to prevent this danger by intercepting goods really destined for the enemy without interfering with those which are "bona fide" neutral.

Since the outbreak of the war the Government of the United States have changed their previous practice and have prohibited the publication of manifests till 30 days after the departure of vessels from the United States ports. We had no "locus standi" for complaining of this change, and did not complain. But the effect of it must be to increase the difficulty of ascertaining the presence of contraband and to render necessary in the interests of our national safety the examination and detention of more ships than would have been the case if the former practice had continued.

Pending a more detailed reply, I would conclude by saying that His Majesty's Government do not desire to contest the general principles of law, on which they understand the note of the United States to be based, and desire to restrict their action solely to interferences with contraband destined for the enemy. His Majesty's Government are prepared, whenever a cargo coming from the United States is detained, to explain the case on which such detention has taken place and would gladly enter into any arrangement by which mistakes can be avoided and reparation secured promptly when any injury to the neutral owners of a ship or cargo has been improperly caused, for they are most desirous in the interest both of the United States and of other neutral countries that British action should not interfere with the normal importation and use by the neutral countries of goods from the United States.

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E GREY.

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*The British Secretary of State for Foreign Affairs to Ambassador W. H. Page.*

FOREIGN OFFICE, *February 10, 1915.*

YOUR EXCELLENCE: Your Excellency has already received the preliminary answer, which I handed to you on the 7th January, in reply to your note of the 28th December on the subject of the seizures and detentions of American cargoes destined for neutral European ports.

Since that date I have had further opportunity of examining into the trade statistics of the United States as embodied in the customs returns, in order to see whether the belligerent action of Great Britain has been in any way the cause of the trade depression which Your Excellency describes as existing in the United States, and also whether the seizures of vessels or cargoes which have been made by the British Navy have inflicted any loss on American owners for which our existing machinery provides no means of redress. In setting out the results of my investigation I think it well to take the opportunity of giving a general review of the methods employed by His Majesty's Government to intercept contraband trade with the enemy, of their consistency with the admitted right of a belligerent to intercept such trade, and also of the extent to which they have endeavored to meet the representations and complaints from time to time addressed to them on behalf of the United States Government.

Toward the close of your note of the 28th December Your Excellency describes the situation produced by the action of Great Britain as a pitiful one to the commercial interests of the United States, and said that many of the great industries of the country were suffering because their products were denied long-established markets in neutral European countries contiguous to the nations at war.

It is unfortunately true that in these days, when trade and finance are cosmopolitan, any war—particularly a war of any magnitude—must result in a grievance dislocation of commerce, including that of the nations which take no part in the war. Your Excellency will realize that in this tremendous struggle, for the outbreak of which Great Britain is in no way responsible, it is impossible for the trade of any country to escape all injury and loss, but for such His Majesty's Government are not to blame.

I do not understand the paragraph which I have quoted from Your Excellency's note as referring to these indirect consequences of the state of war, but to the more proximate and direct effect of our belligerent action in dealing with neutral ships and cargoes on the high seas. Such action has been limited to vessels on their way to enemy ports or ports in neutral countries adjacent to the theater of war, because it is only through such ports that the enemy introduces the supplies which he requires for carrying on the war.

In my earlier note I set out the number of ships which had sailed from the United States for Holland, Denmark, Norway, Sweden, and

Italy, and I there stated that only 8 of the 773 had been placed in the prize court, and that only 45 had been temporarily detained to enable particular consignments of cargo to be discharged for the purpose of prize-court proceedings. To measure the effect of such naval action it is necessary to take into consideration the general statistics of the export trade of the United States during the months preceding the outbreak of war and those since the outbreak.

Taking the figures in millions of dollars, the exports of merchandise from the United States for the seven months of January to July, 1914, inclusive, were 1,201, as compared with 1,327 in the corresponding months of 1913, a drop of 126 millions of dollars.

For the months of August, September, October, and November, that is to say, for the four months of the war preceding the delivery of Your Excellency's note, the figures of the exports of merchandise were (again in millions of dollars) 667 as compared with 923 in the corresponding months of 1913, a drop of 256 millions of dollars.

If, however, the single article of cotton be eliminated from the comparison, the figures show a very different result. Thus the exports of all articles of merchandise other than cotton from the United States during the first seven months of 1914 were 966 millions of dollars as against 1,127 millions in 1913, a drop of 161 millions of dollars, or 14½ per cent. On the other hand, the exports of the same articles during the months August to November amounted to 608 millions of dollars as compared with 630 millions in 1913, a drop of only 22 millions, or less than 4 per cent.

It is therefore clear that, if cotton be excluded, the effect of the war has been not to increase but practically to arrest the decline of American exports which was in progress earlier in the year. In fact, any decrease in American exports which is attributable to the war is essentially due to cotton. Cotton is an article which can not possibly have been affected by the exercise of our belligerent rights, for, as Your Excellency is aware, it has not been declared by His Majesty's Government to be contraband of war, and the rules under which we are at present conducting our belligerent operations give us no power in the absence of a blockade to seize or interfere with it when on its way to a belligerent country in neutral ships. Consequently no cotton has been touched.

Into the causes of the decrease in the exports of cotton I do not feel that there is any need for me to enter, because, whatever may have been the cause, it is not to be found in the exercise of the belligerent

rights of visit, search, and capture, or in our general right when at war to intercept the contraband trade of our enemy. Imports of cotton to the United Kingdom fell as heavily as those to other countries. No place felt the outbreak of war more acutely than the cotton districts of Lancashire, where for a time an immense number of spindles were idle. Though this condition has now to a large extent passed away, the consumption of the raw material in Great Britain was temporarily much diminished. The same is no doubt true of France.

The general result is to show convincingly that the naval operations of Great Britain are not the cause of any diminution in the volume of American exports, and that if the commerce of the United States is in the unfavorable condition which your Excellency describes, the cause ought in fairness to be sought elsewhere than in the activities of His Majesty's naval forces.

I may add that the circular issued by the Department of Commerce at Washington on the 23rd January admits a marked improvement in the foreign trade of the United States, which we have noted with great satisfaction. The first paragraph of the circular is worth quoting verbatim:

A marked improvement in our foreign trade is indicated by the latest reports issued by the Department of Commerce through its Bureau of Foreign and Domestic Commerce, sales of foodstuffs and certain lines of manufactures having been unusually large in November, the latest period for which detailed information is at hand. In that month exports aggregated 206,000,000 dollars, or double the total for August last, when, by reason of the outbreak of war, our foreign trade fell to the lowest level reached in many years. In December there was further improvement, the month's exports being valued at 246,000,000 dollars, compared with 233,000,000 in December, 1913, and within 4,000,000 of the high record established in December, 1912.

A better view of the situation is obtained by looking at the figures month by month. The exports of merchandise for the last five months have been (in millions of dollars):

|                |     |
|----------------|-----|
| August.....    | 110 |
| September..... | 156 |
| October.....   | 194 |
| November.....  | 205 |
| December.....  | 246 |

The outbreak of war produced in the United States, as it did in all neutral countries, an acute but temporary disturbance of trade. Since that time there seems to have been a steady recovery, for to-day the



exports from the United States stand at a higher figure than on the same date last year.

Before passing away from the statistics of trade, and in order to demonstrate still more clearly if necessary that the naval operations of Great Britain and her allies have had no detrimental effect on the volume of trade between the United States and neutral countries, it is worth while to analyse the figures of the exports to Europe since the outbreak of hostilities. For this purpose the European countries ought to be grouped under three heads: Great Britain and those fighting with her, neutral countries and enemy countries. It is, however, impossible for me to group the countries in this way satisfactorily, as the figures relating to the export trade of the United States with each country have not yet been published. In the preliminary statement of the export trade of the United States with foreign countries only principal countries are shown, and various countries which are tabulated separately in the more detailed monthly summary of commerce and finance are omitted. Those omitted include not only the Scandinavian countries, the exports to which are of peculiar importance in dealing with this question, but also Austria.

So far as it is possible to distribute the figures under the headings which I have indicated above (all the figures being given in thousands of dollars) the results are as follows:

Total exports to Europe from the 1st August to the 30th November, 413,995, as against 537,342 in 1914. Of these, Great Britain and her allies took 288,312, as against 316,805 in 1913. Germany and Belgium took 1,881 as against 77,136 in 1913; whereas neutral countries (among which Austria-Hungary is unavoidably included) took 123,802, as against 103,401 in 1913.

The general complaint in Your Excellency's note was that the action of Great Britain was affecting adversely the trade of the United States with neutral countries. The naval operations of Great Britain certainly do not interfere with commerce from the United States on its way to the United Kingdom and the allied countries, and yet the exports to Great Britain and her allies during those four months diminished to the extent of over 28,000,000 dollars, whereas those to neutral countries and Austria increased by over 20,000,000 dollars.

The inference may fairly be drawn from these figures, all of which are taken from the official returns published by the United States Government, that not only has the trade of the United States with the neutral

countries in Europe been maintained as compared with previous years, but also that a substantial part of this trade was, in fact, trade intended for the enemy countries going through neutral ports by routes to which it was previously unaccustomed.

One of the many inconveniences to which this great war is exposing the commerce of all neutral countries is undoubtedly the serious shortage in shipping available for ocean transport, and the consequential result of excessive freights.

It cannot fairly be said that this shortage is caused by Great Britain's interference with neutral ships. At the present time there are only seven neutral vessels awaiting adjudication in the prize courts in this country, and three in those in the British dominions. As Your Excellency is aware, I have already instructed our ambassador at Washington to remind the parties who are interested in these vessels that it is open to them to apply to the court for the release of these ships on bail, and if an application of this sort is made by them it is not likely to be opposed by the Crown. There is therefore no reason why such an application should not be favorably entertained by the court, and, if acceded to, all these vessels will again be available for the carriage of commerce. Only one neutral vessel is now detained in this country in addition to those awaiting adjudication in the prize court.

Every effort has been made in cases in which it has been found necessary to institute proceedings against portions of the cargo to secure the speedy discharge of the cargo and the release of the ship, so as to enable it to resume work. Great Britain is suffering from the shortage of shipping and the rise in freights as acutely as, if not more than, other nations and His Majesty's Government have taken every step that they could consistently with their belligerent interests to increase the tonnage available for the transport of sea-borne commerce. The enemy ships which have been condemned in the prize courts in this country are being sold as rapidly as possible in order that they may become available for use; and those which have been condemned in the prize courts oversea are being brought to this country in order that they may be disposed of here, and again placed in active employment.

The difficulties have been accentuated by the unforeseen consequences of the convention which was signed at The Hague in 1907 relative to the status of enemy merchant vessels at the outbreak of war. This convention was a well-intentioned effort to diminish the losses which war must impose upon innocent persons, and provided that enemy

merchant ships seized by a belligerent in whose ports they lay at the outbreak of war should not be condemned, but should merely be detained for the period of the war, unless they were liberated in the days of grace. We could come to no arrangement with the German Government for the reciprocal grant of days of grace, and the German merchant vessels lying in British ports when the war broke out have therefore been sentenced to detention in lieu of condemnation. The normal result would have been still further to reduce the volume of shipping available for the commerce of the world. To ease the situation, however, His Majesty's Government are resorting to the power of requisitioning which is given by the convention, so that these ships may again be placed in active service.

Your Excellency will see therefore that His Majesty's Government are doing all in their power to increase the volume of shipping available. I hope it will be realized that the detention of neutral ships by His Majesty's Government with a view to the capture of contraband trade on its way to the enemy has not contributed nearly so much to the shortage of shipping as has the destruction of neutral vessels by submarine mines indiscriminately laid by the enemy on the high seas, many miles from the coast, in the track of merchant vessels. Up till now 25 neutral vessels have been reported as destroyed by mines on the high seas; quite apart from all questions of the breach of treaties and the destruction of life, there is far more reason for protest on the score of belligerent interference with innocent neutral trade through the mines scattered by the enemy than through the British exercise of the right of seizing contraband.

I trust that what I have said above will be sufficient to convince Your Excellency's Government that the complaints that the naval policy of Great Britain has interfered with the shipments of American products to long-established markets in neutral European countries is founded on a misconception.

In justice to the peoples of both countries, I feel that this opportunity should be taken to explain the lines on which His Majesty's Government have been acting hitherto, so as to show that the line they have followed is in no way inconsistent with the general fundamental principle of international law and to indicate the care with which they have endeavored to meet the representations which have been made by the United States Government from time to time during the war on these questions.

No one in these days will dispute the general proposition that a belligerent is entitled to capture contraband goods on their way to the enemy; that right has now become consecrated by long usage and general acquiescence. Though the right is ancient, the means of exercising it alter and develop with the changes in the methods and machinery of commerce. A century ago the difficulties of land transport rendered it impracticable for the belligerent to obtain supplies of sea-borne goods through a neighboring neutral country. Consequently the belligerent actions of his opponents neither required nor justified any interference with shipments on their way to a neutral port. This principle was recognized and acted on in the decisions in which Lord Stowell laid down the lines on which captures of such goods should be dealt with.

The advent of steam power has rendered it as easy for a belligerent to supply himself through the ports of a neutral contiguous country as through his own and has therefore rendered it impossible for his opponent to refrain from interfering with commerce intended for the enemy merely because it is on its way to a neutral port.

No better instance of the necessity of countering new devices for despatching contraband goods to an enemy by new methods of applying the fundamental principle of the right to capture such contraband can be given than the steps which the Government of the United States found it necessary to take during the American Civil War. It was at that time that the doctrine of continuous voyage was first applied to the capture of contraband, that is to say, it was then for the first time that a belligerent found himself obliged to capture contraband goods on their way to the enemy, even though at the time of capture they were en route for a neutral port from which they were intended subsequently to continue their journey. The policy then followed by the United States Government was not inconsistent with the general principles already sanctioned by international law, and met with no protest from His Majesty's Government, though it was upon British cargoes and upon British ships that the losses and the inconvenience due to this new development of the application of the old rule of international law principally fell. The criticisms which have been directed against the steps then taken by the United States came, and come, from those who saw in the methods employed in Napoleonic times for the prevention of contraband a limitation upon the right itself, and failed to see that in Napoleonic times goods on their way to a neutral port were immune from capture, not because the immediate destination conferred

a privilege, but because capture under such circumstances was unnecessary.

The facilities which the introduction of steamers and railways have given to a belligerent to introduce contraband goods through neutral ports have imposed upon his opponent the additional difficulty, when endeavoring to intercept such trade, of distinguishing between the goods which are really destined for the commerce of that neutral country and the goods which are on their way to the enemy. It is one of the many difficulties with which the United States Government found themselves confronted in the days of the Civil War, and I cannot do better than quote the words which Mr. Seward, who was then Secretary of State, used in the course of the diplomatic discussion arising out of the capture of some goods on their way to Matamoros which were believed to be for the insurgents:

Neutrals engaged in honest trade with Matamoros must expect to experience inconvenience from the existing blockade of Brownsville and the adjacent coast of Texas. While this Government unfeignedly regrets this inconvenience, it cannot relinquish any of its belligerent rights to favor contraband trade with insurgent territory: By insisting upon those rights, however, it is sure that that necessity for their exercise at all, which must be deplored by every friendly commercial Power, will the more speedily be terminated.

The opportunities now enjoyed by a belligerent for obtaining supplies through neutral ports are far greater than they were fifty years ago, and the geographical conditions of the present struggle lend additional assistance to the enemy in carrying out such importation. We are faced with the problem of intercepting such supplies when arranged with all the advantages that flow from elaborate organization and unstinted expenditure. If our belligerent rights are to be maintained, it is of the first importance for us to distinguish between what is really bona fide trade intended for the neutral country concerned and the trade intended for the enemy country. Every effort is made by organizers of this trade to conceal the true destination, and if the innocent neutral trade is to be distinguished from the enemy trade it is essential that His Majesty's Government should be entitled to make, and should make, careful enquiry with regard to the destination of particular shipments of goods even at the risk of some slight delay to the parties interested. If such enquiries were not made, either the exercise of our belligerent rights would have to be abandoned, tending to the prolongation of this war and the increase of the loss and suffering which it is entailing upon the

whole world, or else it would be necessary to indulge in indiscriminate captures of neutral goods and their detention throughout all the period of the resulting prize court proceedings. Under the system now adopted it has been found possible to release without delay, and consequently without appreciable loss to the parties interested, all the goods of which the destination is shown as the result of the enquiries to be innocent.

It may well be that the system of making such enquiries is to a certain extent a new introduction, in that it has been practised to a far greater extent than in previous wars; but if it is correctly described as a new departure, it is a departure which is wholly to the advantage of neutrals, and which has been made for the purpose of relieving them so far as possible from loss and inconvenience.

There was a passage in a note which the State Department addressed to the British ambassador at Washington on the 7th November to which I think it may be well to refer:

In the opinion of this Government, the belligerent right of visit and search requires that the search should be made on the high seas at the time of the visit, and that the conclusion of the search should rest upon the evidence found on the ship under investigation, and not upon circumstances ascertained from external sources.

The principle here enunciated appears to me to be inconsistent with the practice in these matters of the United States Government, as well as of the British Government. It certainly was not the rule upon which the United States Government acted either during the Civil War or during the Spanish-American War, nor has it ever been the practice of the British Government, nor so far as I am aware, of any other Government which has had to carry on a great naval war; as a principle I think it is impossible in modern times. The necessity for giving the belligerent captor full liberty to establish by all the evidence at his disposal the enemy destination with which the goods were shipped was recognized in all the leading decisions in the prize courts of the United States during the Civil War.

No clearer instance could be given than the reporter's statement of the case of the *Bermuda* (3 Wallace, 514):

The final destination of the cargo in this particular voyage was left so skilfully open \* \* \* that it was not quite easy to prove, with that certainty which American courts require, the intention, which it seemed plain must have really existed. Thus to prove it required that truth should be collated from a variety of sources, darkened and disguised; from others opened as the cause advanced, and by accident only; from coincidences undesigned, and facts that were circumstantial.

Collocations and comparisons, in short, brought largely their collective force in aid of evidence that was more direct.

It is not impossible that the course of the present struggle will show the necessity for belligerent action to be taken in various ways which may at first sight be regarded as a departure from old practice. In my note of the 7th January, I dealt at some length with the question of the necessity of taking vessels into port for the purposes of carrying out an effective search, where search was necessary; to that subject I feel that I need not again recur.

The growth in the size of steamships necessitates in many cases that the vessel should go into calm water, in order that even the right of visit, as apart from the right of search, should be exercised. In modern times a steamer is capable of pursuing her voyage irrespective of the conditions of the weather. Many of the neutral merchantmen which our naval officers are called upon to visit at sea are encountered by our cruisers in places and under conditions which render the launching of a boat impossible. The conditions during winter in the North Atlantic frequently render it impracticable for days together for a naval officer to board a vessel on her way to Scandinavian countries. If a belligerent is to be denied the right of taking a neutral merchantman, met with under such conditions, into calm water in order that the visiting officer may go aboard, the right of visit and of search would become a nullity.

The present conflict is not the first in which this necessity has arisen. As long ago as the Civil War the United States found it necessary to take vessels to United States ports in order to determine whether the circumstances justified their detention.

The same need arose during the Russo-Japanese War and also during the second Balkan War, when it sometimes happened that British vessels were made to deviate from their course and follow the cruisers to some spot where the right of visit and of search could be more conveniently carried out. In both cases this exercise of belligerent rights, although questioned at first by His Majesty's Government, was ultimately acquiesced in.

No Power in these days can afford during a great war to forego the exercise of the right of visit and search. Vessels which are apparently harmless merchantmen can be used for carrying and laying mines and even fitted to discharge torpedoes. Supplies for submarines can without difficulty be concealed under other cargo. The only protection against these risks is to visit and search thoroughly every vessel ap-

pearing in the zone of operations, and if the circumstances are such as to render it impossible to carry it out at the spot where the vessel was met with the only practicable course is to take the ship to some more convenient locality for the purpose. To so do is not to be looked upon as a new belligerent right, but as an adaptation of the existing right to the modern conditions of commerce. Like all belligerent rights, it must be exercised with due regard for neutral interests, and it would be unreasonable to expect a neutral vessel to make long deviations from her course for this purpose. It is for this reason that we have done all we can to encourage neutral merchantmen on their way to ports contiguous to the enemy country to visit some British port lying on their line of route in order that the necessary examination of the ship's papers, and, if required, of the cargo, can be made under conditions of convenience to the ship herself. The alternative would be to keep a vessel which the naval officers desired to board waiting, it might be for days together, until the weather conditions enabled the visit to be carried out at sea.

No war has yet been waged in which neutral individuals have not occasionally suffered from unjustified belligerent action; no neutral nation has experienced this fact more frequently in the past than Great Britain. The only method by which it is possible to harmonize belligerent action with the rights of neutrals is for the belligerent nation to provide some adequate machinery by which in any such case the facts can be investigated and appropriate redress can be obtained by the neutral individual. In this country such machinery is provided by the powers which are given to the prize court to deal not only with captures, but also with claims for compensation. Order V, rule 2, of the British prize court rules, provides that where a ship has been captured as prize, but has been subsequently released by the captors, or has by loss, destruction, or otherwise ceased to be detained by them, without proceedings for condemnation having been taken, any person interested in the ship (which by Order I, rule 2, includes goods) wishing to make a claim for costs and damages in respect thereof, shall issue a writ as provided by Order II. A writ so issued will initiate a proceeding, which will follow its ordinary course in the prize court.

This rule gives the prize court ample jurisdiction to deal with any claim for compensation by a neutral arising from the interference with a ship or goods by our naval forces. The best evidence that can be given of the discrimination and the moderation with which our naval officers have carried out their duties is to be found in the fact that up



to this time no proceedings for the recovery of compensation have been initiated under the rule which I have quoted.

It is the common experience of every war that neutrals whose attempts to engage in suspicious trading are frustrated by a belligerent are wont to have recourse to their Government to urge that diplomatic remonstrances should be made on their behalf, and that redress should be obtained for them in this way. When an effective mode of redress is open to them in the courts of a civilized country by which they can obtain adequate satisfaction for any invasion of their rights which is contrary to the law of nations, the only course which is consistent with sound principle is that they should be referred to that mode of redress, and that no diplomatic action should be taken until their legal remedies have been exhausted, and they are in a position to show *prima facie* denial of justice.

The course adopted by His Majesty's Government during the American Civil War was in strict accordance with this principle. In spite of remonstrances from many quarters, they placed full reliance on the American prize courts to grant redress to the parties interested in cases of alleged wrongful capture by American ships of war, and put forward no claims until the opportunities for redress in those courts had been exhausted. The same course was adopted in the Spanish-American War, when all British subjects who complained of captures or detentions of their ships were referred to the prize courts for relief.

Before leaving the subject may I remind Your Excellency of the fact that at your request you are now supplied immediately by this department with particulars of every ship under American colors which is detained, and of every shipment of cargo in which an American citizen appears to be the party interested. Not only is the fact of detention notified to Your Excellency, but so far as is practicable the grounds upon which the vessel or cargo has been detained are also communicated to you; a concession which enables any United States citizen to take steps at once to protect his interests.

His Majesty's Government have also done all that lies in their power to insure rapid action when ships are reported in British ports. They realize that the ship and cargo owners may reasonably expect an immediate decision to be taken as to whether the ship may be allowed to proceed, and whether her cargo or any part of it must be discharged and put into the prize court. Realizing that the ordinary methods of interdepartmental correspondence might cause delays which could be

obviated by another method of procedure, they established several months ago a special committee, on which all the departments concerned are represented. This committee sits daily, and is provided with a special clerical staff. As soon as a ship reaches port full particulars are telegraphed to London, and the case is dealt with at the next meeting of the committee, immediate steps being taken to carry out the action decided upon. By the adoption of this procedure it has been found possible to reduce to a minimum the delays to which neutral shipping is exposed by the exercise of belligerent rights, and by the necessity, imposed by modern conditions, of examining with care the destination of contraband articles.

Particular attention is directed in Your Excellency's note to the policy we are pursuing with regard to conditional contraband, especially foodstuffs, and it is there stated that a number of American cargoes have been seized without, so far as Your Excellency's Government are informed, our being in possession of facts which warranted a reasonable belief that the shipments had in reality a belligerent destination, and in spite of the presumption of innocent use due to their being destined to neutral territory. The note does not specify any particular seizures as those which formed the basis of this complaint, and I am therefore not aware whether the passage refers to cargoes which were detained before or since the order in council of the 29th October was issued.

Your Excellency will no doubt remember that soon after the outbreak of war an order of His Majesty in council was issued under which no distinction was drawn in the application of the doctrine of continuous voyage between absolute contraband and conditional contraband, and which also imposed upon the neutral owner of contraband somewhat drastic conditions as to the burden of proof of the guilt or innocence of the shipment.

The principle that the burden of proof should always be imposed upon the captor has usually been admitted as a theory. In practice, however, it has almost been always otherwise, and any student of the prize courts decisions of the past or even of modern wars will find that goods seldom escape condemnation unless their owner was in a position to prove that their destination was innocent. An attempt was made some few years ago, in the unratified Declaration of London, to formulate some definite rules upon this subject, but time alone can show whether the rules there laid down will stand the test of modern warfare.

The rules which His Majesty's Government published in the order in council of the 20th August, 1914, were criticised by the United States Government as contrary to the generally recognized principles of international law, and as inflicting unnecessary hardship upon neutral commerce, and Your Excellency will remember the prolonged discussion which took place between us through the month of October with a view to finding some new formula which should enable us to restrict supplies to the enemy forces, and to prevent the supply to the enemy of materials essential for the making of munitions of war, while inflicting the minimum of injury and interference with neutral commerce. It was with this object that the order in council of the 29th. October was issued, under the provisions of which a far greater measure of immunity is conferred upon neutral commerce. In that order the principle of noninterference with conditional contraband on its way to a neutral port is in large measure admitted; only in three cases is the right to seize maintained, and in all those cases the opportunity is given to the claimant of the goods to establish their innocence.

Two of those cases are where the ship's papers afford no information as to the person for whom the goods are intended. It is only reasonable that a belligerent should be entitled to regard as suspicious cases where the shippers of the goods do not choose to disclose the name of the individual who is to receive them. The third case is that of goods addressed to a person in the enemy territory. In the peculiar circumstances of the present struggle, where the forces of the enemy comprise so large a proportion of the population, and where there is so little evidence of shipments on private as distinguished from Government account, it is most reasonable that the burden of proof should rest upon the claimant.

The most difficult questions in connection with conditional contraband arise with reference to the shipment of foodstuffs. No country has maintained more stoutly than Great Britain in modern times the principle that a belligerent should abstain from interference with the foodstuffs intended for the civil population. The circumstances of the present struggle are causing His Majesty's Government some anxiety as to whether the existing rules with regard to conditional contraband, framed as they were with the object of protecting so far as possible the supplies which were intended for the civil population, are effective for the purpose, or suitable to the conditions present. The principle which I have indicated above is one which His Majesty's Government have

constantly had to uphold against the opposition of continental powers. In the absence of some certainty that the rule would be respected by both parties to this conflict, we feel great doubt whether it should be regarded as an established principle of international law.

Your Excellency will, no doubt, remember that in 1885, at the time when His Majesty's Government were discussing with the French Government this question of the right to declare foodstuffs not intended for the military forces to be contraband, and when public attention had been drawn to the matter, the Kiel Chamber of Commerce applied to the German Government for a statement of the latter's views on the subject. Prince Bismarck's answer was as follows:

In answer to their representation of the 1st instant, I reply to the Chamber of Commerce that any disadvantage our commercial and carrying interests may suffer by the treatment of rice as contraband of war does not justify our opposing a measure which it has been thought fit to take in carrying on a foreign war. Every war is a calamity, which entails evil consequences not only on the combatants, but also on neutrals. These evils may easily be increased by the interference of a neutral power with the way in which a third carries on the war, to the disadvantage of the subjects of the interfering power, and by this means German commerce might be weighted with far heavier losses than a transitory prohibition of the rice trade in Chinese waters. *The measure in question has for its object the shortening of the war by increasing the difficulties of the enemy, and is a justifiable step in war if impartially enforced against all neutral ships.*

His Majesty's Government are disposed to think that the same view is still maintained by the German Government.

Another circumstance which is now coming to light is that an elaborate machinery has been organized by the enemy for the supply of foodstuffs for the use of the German army from overseas. Under these circumstances it would be absurd to give any definite pledge that in cases where the supplies can be proved to be for the use of the enemy forces they should be given complete immunity by the simple expedient of dispatching them to an agent in a neutral port.

The reason for drawing a distinction between foodstuffs intended for the civil population and those for the armed forces or enemy Government disappears when the distinction between the civil population and the armed forces itself disappears.

In any country in which there exists such a tremendous organization for war as now obtains in Germany there is no clear division between those whom the Government is responsible for feeding and those whom it is not. Experience shows that the power to requisition will be used

to the fullest extent in order to make sure that the wants of the military are supplied, and however much goods may be imported for civil use it is by the military that they will be consumed if military exigencies require it, especially now that the German Government have taken control of all the foodstuffs in the country.

I do not wish to overburden this note with statistics, but in proof of my statement as to the unprecedented extent to which supplies are reaching neutral ports I should like to instance the figures of the exports of certain meat products to Denmark during the months of September and October. Denmark is a country which in normal times imports a certain quantity of such products, but exports still more. In 1913, during the above two months, the United States exports of lard to Denmark were nil, as compared with 22,652,598 pounds in the same two months of 1914. The corresponding figures with regard to bacon were: 1913, nil; 1914, 1,022,195 pounds; canned beef, 1913, nil; 1914 151,200 pounds; pickled and cured beef, 1913, 42,901 pounds; 1914, 156,143 pounds; pickled pork, 1913, nil; 1914, 812,872 pounds.

In the same two months the United States exported to Denmark 280,176 gallons of mineral lubricating oil in 1914 as compared with 179,952 in 1913; to Norway, 335,468 gallons in 1914, as against 151,179 gallons in 1913, to Sweden; 896,193 gallons in 1914, as against 385,476 gallons in 1913.

I have already mentioned the framing of the order in council of the 20th October, and the transmission to your Excellency of particulars of ships and cargoes seized as instances of the efforts which we have made through the course of this war to meet all reasonable complaints made on behalf of American citizens, and in my note of the 7th January I alluded to the decision of our prize court in the case of the *Mtramichi*, as evidencing the liberal principles adopted toward neutral commerce.

I should also like to refer to the steps which we took at the beginning of the war to insure the speedy release of cargo claimed by neutrals on board enemy ships which were captured or detained at the outbreak of war. Under our prize court rules release of such goods can be obtained without the necessity of entering a claim in the prize court if the documents of title are produced to the officer representing His Majesty's Government, and the title to the goods is established to his satisfaction. It was shortly found, however, that this procedure did not provide for the case where the available evidence was so scanty that the officer representing the Crown was not justified in consenting to a

release. In order, therefore, to ameliorate the situation we established a special committee, with full powers to authorize the release of goods without insisting on full evidence of title being produced. This committee dealt with the utmost expedition with a large number of claims. In the great majority of cases the goods claimed were released at once. In addition to the cases dealt with by this committee a very large amount of cargo was released at once by the procurator general on production of documents. Claimants therefore obtained their goods without the necessity of applying to the prize court and of incurring the expense involved in retaining lawyers, and without the risk, which was in some cases a considerable one, of the goods being eventually held to be enemy property and condemned. We have reason to know that our action in this matter was highly appreciated by many American citizens.

Another instance of the efforts which His Majesty's Government have made to deal as leniently as possible with neutral interests may be found in the policy which we have followed with regard to the transfer to a neutral flag of enemy ships belonging to companies which were incorporated in the enemy country, but all of whose shareholders were neutral. The rules applied by the British and by the American prize courts have always treated the flag as conclusive in favor of the captors in spite of neutral proprietary interests (see the case of the *Pedro*, 175 U. S., 354). In several cases, however, we have consented to waive our belligerent rights to treat as enemy vessels ships belonging to companies incorporated in Germany which were subsidiary to and owned by American corporations. The only condition which we have imposed is that these vessels should take no further part in trade with the enemy country.

I have given these indications of the policy which we have followed, because I cannot help feeling that if the facts were more fully known as to the efforts which we have made to avoid inflicting any avoidable injury on neutral interests, many of the complaints which have been received by the administration in Washington, and which led to the protest which your Excellency handed to me on the 29th December would never have been made. My hope is that when the facts which I have set out above are realized, and when it is seen that our naval operations have not diminished American trade with neutral countries, and that the lines on which we have acted are consistent with the fundamental principles of international law, it will be apparent to the Government and people of the United States that His Majesty's Government .

have hitherto endeavored to exercise their belligerent rights with every possible consideration for the interests of neutrals.

It will still be our endeavour to avoid injury and loss to neutrals, but the announcement by the German Government of their intention to sink merchant vessels and their cargoes without verification of their nationality or character, and without making any provision for the safety of non-combatant crews or giving them a chance of saving their lives, has made it necessary for His Majesty's Government to consider what measures they should adopt to protect their interests. It is impossible for one belligerent to depart from rules and precedents and for the other to remain bound by them.

I have the honor, etc., etc.,

(Signed) E. GREY.

To His Excellency

The Hon<sup>ble</sup> W. H. Page

etc., etc., etc.

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*Ambassador Gerard to the Secretary of State.*

No. 525.]

AMERICAN EMBASSY,

*Berlin, February 6, 1915.*

SIR: I have the honor to transmit to you herewith two copies of the proclamation of the German Admiralty of February 4, 1915, declaring the waters surrounding Great Britain and Ireland to be comprised within the seat of war, as well as two copies each in German and French of the memorial of the Imperial Government on this subject and an English translation of the same.

I have, etc.,

JAMES W. GERARD.

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[Inclosure 1—Translation.]

PROCLAMATION.

1. The waters surrounding Great Britain and Ireland including the whole English channel are hereby declared to be war zone. On and after the 18th of February, 1915, every enemy merchant ship found in the said war zone will be destroyed without its being always possible to avert the dangers threatening the crews and passengers on that account.

2. Even neutral ships are exposed to danger in the war zone as in view of the

misuse of neutral flags ordered on January 31 by the British Government and of the accidents of naval war, it can not always be avoided to strike even neutral ships in attacks that are directed at enemy ships.

3. Northward navigation around the Shetland Islands, in the eastern waters of the North Sea and in a strip of not less than 30 miles width along the Netherlands coast is in no danger.

VON POHL,

*Chief of the Admiral Staff of the Navy.*

BERLIN, *February 4, 1915.*

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[Inclosure 2—Translation.]

MEMORIAL OF THE IMPERIAL GERMAN GOVERNMENT RESPECTING RETALIATORY MEASURES RENDERED NECESSARY BY THE MEANS EMPLOYED BY ENGLAND CONTRARY TO INTERNATIONAL LAW IN INTERCEPTING NEUTRAL MARITIME TRADE WITH GERMANY.

Since the commencement of the present war Great Britain's conduct of commercial warfare against Germany has been a mockery of all the principles of the law of nations. While the British Government have by several orders declared that their naval forces should be guided by the stipulations of the Declaration of London, they have in reality repudiated this Declaration in the most essential points, notwithstanding the fact that their own delegates at the Maritime Conference of London acknowledged its acts as forming part of existing international law. The British Government have placed a number of articles on the contraband list which are not at all, or only very indirectly capable of use in warfare, and consequently can not be treated as contraband either under the Declaration of London or under the generally acknowledged rules of international law. In addition, they have in fact obliterated the distinction between absolute and conditional contraband by confiscating all articles of conditional contraband destined for Germany, whatever may be the port where these articles are to be unloaded, and without regard to whether they are destined for uses of war or peace. They have not even hesitated to violate the Declaration of Paris, since their naval forces have captured on neutral ships German property which was not contraband of war. Furthermore, they have gone further than their own orders respecting the Declaration of London and caused numerous German subjects capable of bearing arms to be taken from neutral ships and made prisoners of war. Finally, they have declared the North Sea in its whole extent to be the seat of war, thereby rendering difficult and extremely dangerous, if not impossible, all navigation on the high seas between Scotland and Norway, so that they have in a way established a blockade of neutral coasts and ports, which is contrary to the elementary principles of generally accepted international law. Clearly all these measures are part of a plan to strike not only the German military operations but also the economic system of Germany, and in the end to deliver the whole German people to reduction by famine, by intercepting legitimate neutral commerce by methods contrary to international law.



The neutral powers have in the main acquiesced in the measures of the British Government; in particular they have not been successful in securing the release by the British Government of the German subjects and German merchandise illegally taken from their vessels. To a certain extent they have even contributed toward the execution of the measures adopted by England in defiance of the principle of the freedom of the seas by prohibiting the export and transit of goods destined for peaceable purposes in Germany, thus evidently yielding to pressure by England. The German Government have in vain called the attention of the neutral powers to the fact that Germany must seriously question whether it can any longer adhere to the stipulations of the declaration of London, hitherto strictly observed by it, in case England continues to adhere to its practice, and the neutral powers persist in looking with indulgence upon all these violations of neutrality to the detriment of Germany. Great Britain invokes the vital interests of the British Empire which are at stake in justification of its violations of the law of nations, and the neutral powers appear to be satisfied with theoretical protests, thus actually admitting the vital interests of a belligerent as a sufficient excuse for methods of waging war of whatever description.

The time has come for Germany also to invoke such vital interests. It therefore finds itself under the necessity, to its regret, of taking military measures against England in retaliation of the practice followed by England. Just as England declared the whole North Sea between Scotland and Norway to be comprised within the seat of war, so does Germany now declare the waters surrounding Great Britain and Ireland, including the whole English Channel to be comprised within the seat of war, and will prevent by all the military means at its disposal all navigation by the enemy in those waters. To this end it will endeavor to destroy, after February 18 next, any merchant vessels of the enemy which present themselves at the seat of war above indicated, although it may not always be possible to avert the dangers which may menace persons and merchandise. Neutral powers are accordingly forewarned not to continue to entrust their crews, passengers, or merchandise to such vessels. Their attention is furthermore called to the fact that it is of urgency to recommend to their own vessels to steer clear of these waters. It is true that the German Navy has received instructions to abstain from all violence against neutral vessels recognizable as such; but in view of the hazards of war, and of the misuse of the neutral flag ordered by the British Government, it will not always be possible to prevent a neutral vessel from becoming the victim of an attack intended to be directed against a vessel of the enemy. It is expressly declared that navigation in the waters north of the Shetland Islands is outside the danger zone, as well as navigation in the eastern part of the North Sea and in a zone thirty marine miles wide along the Dutch coast.

The German Government announces this measure at a time permitting enemy and neutral ships to make the necessary arrangements to reach the ports situated at the seat of war. They hope that the neutral powers will accord consideration to the vital interests of Germany equally with those of England, and will on their part assist in keeping their subjects and their goods far from the seat of war; the more so since they likewise have a great interest in seeing the termination at an early day of the war now ravaging.

BERLIN, *February 4, 1915.*

*The Secretary of State to Ambassador Gerard.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, February 10, 1915.*

Please address a note immediately to the Imperial German Government to the following effect:

The Government of the United States, having had its attention directed to the proclamation of the German Admiralty issued on the fourth of February, that the waters surrounding Great Britain and Ireland, including the whole of the English Channel, are to be considered as comprised within the seat of war; that all enemy merchant vessels found in those waters after the eighteenth instant will be destroyed, although it may not always be possible to save crews and passengers; and that neutral vessels expose themselves to danger within this zone of war because, in view of the misuse of neutral flags said to have been ordered by the British Government on the thirty-first of January and of the contingencies of maritime warfare, it may not be possible always to exempt neutral vessels from attacks intended to strike enemy ships, feels it to be its duty to call the attention of the Imperial German Government, with sincere respect and the most friendly sentiments but very candidly and earnestly, to the very serious possibilities of the course of action apparently contemplated under that proclamation.

The Government of the United States views those possibilities with such grave concern that it feels it to be its privilege, and indeed its duty in the circumstances, to request the Imperial German Government to consider before action is taken the critical situation in respect of the relations between this country and Germany which might arise were the German naval forces, in carrying out the policy foreshadowed in the Admiralty's proclamation, to destroy any merchant vessel of the United States or cause the death of American citizens.

It is of course not necessary to remind the German Government that the sole right of a belligerent in dealing with neutral vessels on the high seas is limited to visit and search, unless a blockade is proclaimed and effectively maintained, which this Government does not understand to be proposed in this case. To declare or exercise a right to attack and destroy any vessel entering a prescribed area of the high seas without first certainly determining its belligerent nationality and the contraband character of its cargo would be an act so unprecedented in naval

warfare that this Government is reluctant to believe that the Imperial Government of Germany in this case contemplates it as possible. The suspicion that enemy ships are using neutral flags improperly can create no just presumption that all ships traversing a prescribed area are subject to the same suspicion. It is to determine exactly such questions that this Government understands the right of visit and search to have been recognized.

This Government has carefully noted the explanatory statement issued by the Imperial German Government at the same time with the proclamation of the German Admiralty, and takes this occasion to remind the Imperial German Government very respectfully that the Government of the United States is open to none of the criticisms for unneutral action to which the German Government believe the governments of certain of other neutral nations have laid themselves open; that the Government of the United States has not consented to or acquiesced in any measures which may have been taken by the other belligerent nations in the present war which operate to restrain neutral trade, but has, on the contrary, taken in all such matters a position which warrants it in holding those governments responsible in the proper way for any untoward effects upon American shipping which the accepted principles of international law do not justify; and that it, therefore, regards itself as free in the present instance to take with a clear conscience and upon accepted principles the position indicated in this note.

If the commanders of German vessels of war should act upon the presumption that the flag of the United States was not being used in good faith and should destroy on the high seas an American vessel or the lives of American citizens, it would be difficult for the Government of the United States to view the act in any other light than as an indefensible violation of neutral rights which it would be very hard indeed to reconcile with the friendly relations now so happily subsisting between the two Governments.

If such a deplorable situation should arise, the Imperial German Government can readily appreciate that the Government of the United States would be constrained to hold the Imperial German Government to a strict accountability for such acts of their naval authorities and to take any steps it might be necessary to take to safeguard American lives and property and to secure to American citizens the full enjoyment of their acknowledged rights on the high seas.

The Government of the United States, in view of these considerations, which it urges with the greatest respect and with the sincere purpose of making sure that no misunderstanding may arise and no circumstance occur that might even cloud the intercourse of the two Governments, expresses the confident hope and expectation that the Imperial German Government can and will give assurance that American citizens and their vessels will not be molested by the naval forces of Germany otherwise than by visit and search, though their vessels may be traversing the sea area delimited in the proclamation of the German Admiralty.

It is added for the information of the Imperial Government that representations have been made to His Britannic Majesty's Government in respect to the unwarranted use of the American flag for the protection of British ships.

BRYAN.

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*The Secretary of State to Ambassador W. H. Page.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, February 10, 1915.*

The department has been advised of the Declaration of the German Admiralty on February fourth, indicating that the British Government had on January thirty-first explicitly authorized the use of neutral flags on British merchant vessels presumably for the purpose of avoiding recognition by German naval forces. The department's attention has also been directed to reports in the press that the captain of the *Lusitania*, acting upon orders or information received from the British authorities, raised the American flag as his vessel approached the British coasts, in order to escape anticipated attacks by German submarines. To-day's press reports also contain an alleged official statement of the Foreign Office defending the use of the flag of a neutral country by a belligerent vessel in order to escape capture or attack by an enemy.

Assuming that the foregoing reports are true, the Government of the United States, reserving for future consideration the legality and propriety of the deceptive use of the flag of a neutral power in any case for the purpose of avoiding capture, desires very respectfully to point out to His Britannic Majesty's Government the serious consequences which may result to American vessels and American citizens if this practice is continued.

The occasional use of the flag of a neutral or an enemy under the stress of immediate pursuit and to deceive an approaching enemy, which appears by the press reports to be represented as the precedent and justification used to support this action, seems to this Government a very different thing from an explicit sanction by a belligerent government for its merchant ships generally to fly the flag of a neutral power within certain portions of the high seas which are presumed to be frequented with hostile warships. The formal declaration of such a policy of general misuse of a neutral's flag jeopardizes the vessels of the neutral visiting those waters in a peculiar degree by raising the presumption that they are of belligerent nationality regardless of the flag which they may carry.

In view of the announced purpose of the German Admiralty to engage in active naval operations in certain delimited sea areas adjacent to the coasts of Great Britain and Ireland, the Government of the United States would view with anxious solicitude any general use of the flag of the United States by British vessels traversing those waters. A policy such as the one which His Majesty's Government is said to intend to adopt, would, if the declaration of the German Admiralty is put in force, it seems clear, afford no protection to British vessels, while it would be a serious and constant menace to the lives and vessels of American citizens.

The Government of the United States, therefore, trusts that His Majesty's Government will do all in their power to restrain vessels of British nationality from the deceptive use of the flag of the United States in the sea area defined in the German declaration, since such practice would greatly endanger the vessels of a friendly power navigating those waters and would even seem to impose upon the Government of Great Britain a measure of responsibility for the loss of American lives and vessels in case of an attack by a German naval force.

Please present a note to Sir Edward Grey in the sense of the foregoing and impress him with the grave concern which this Government feels in the circumstances in regard to the safety of American vessels and lives in the war zone declared by the German Admiralty.

You may add that this Government is making earnest representations to the German Government in regard to the dangers to American vessels and citizens if the declaration of the German Admiralty is put into effect.

BRYAN.

*The German Minister for Foreign Affairs to Ambassador Gerard.*

BERLIN, February 16, 1915.

In reference to the note of the twelfth instant, Foreign Office number twenty-two sixty, relative to the German measures respecting the theater of war in the waters surrounding England, the undersigned has the honor to reply to His Excellency the Ambassador of the United States, James W. Gerard, as follows:

The Imperial German Government have examined the communication of the Government of the United States in the same spirit of good will and friendship which seems to have prompted this communication.

The Imperial German Government are in entire accord with the Government of the United States that it is in the highest degree desirable for all parties to avoid the misunderstanding which might arise from the measures announced by the German Admiralty and to avert the intrusion of events calculated to interrupt the most friendly relations which have so happily existed between the two Governments up to this time.

On this assurance the German Government believe that they may depend on full understanding on the part of the United States, all the more because the action announced by the German Admiralty, as was dwelt upon at length in the note of the fourth instant, is in no wise directed against the legitimate trade and navigation of neutral states, but merely represents an act of self-defense which Germany's vital interests force her to take against England's method of conducting maritime war in defiance of international law; which no protest on the part of neutrals has availed to bring into accordance with the legal status generally recognized before the outbreak of hostilities.

In order to exclude all possible doubt on this cardinal point the German Government beg to set forth once more the actual situation.

Up to now Germany has scrupulously observed the existing provisions of international law relative to maritime war. In particular she assented without delay to the proposal made by the American Government directly after the war began to ratify the Declaration of London and embodied the contents thereof without change in her prize law, even without formally binding herself in this direction. The German Government have adhered to these provisions, even where they conflicted with military interests. Our Government at the same time have permitted the supply of food by Denmark to England until the present,

although they could well have prevented this traffic by means of their naval forces.

In direct opposition to this, England has not shrunk from grave violations of international law wherever she could thereby cripple Germany's peaceable trade with neutral countries. It will not be necessary for the German Government to go into detail on this point, especially since the American note to the British Government dated December twenty-eighth, nineteen fourteen, which has been brought to their knowledge, has dealt with this point very aptly if not very exhaustively on the ground of the experiences of months.

It is conceded that the intention of all these aggressions is to cut off Germany from all supplies and thereby to deliver up to death by famine a peaceful civilian population, a procedure contrary to law of war and every dictate of humanity.

The neutrals have not been able to prevent this interception of different kinds of trade with Germany contrary to international law. It is true that the American Government have protested against England's procedure, and Germany is glad to acknowledge this, but in spite of this protest and the protests of the other neutral Governments England has not allowed herself to be dissuaded from the course originally adopted. Thus, the American ship *Wilhelmina* was recently brought into port by England, although her cargo was destined solely for the civil population of Germany and was to be used only for this purpose according to an express declaration of the German Government.

In this way the following has been created: Germany is to all intents and purposes cut off from oversea supplies with the toleration, tacit or protesting, of the neutrals regardless of whether it is a question of goods which are absolute contraband or only conditional contraband or not contraband at all, following the law generally recognized before the outbreak of the war. On the other hand England with the indulgence of neutral Governments is not only being provided with such goods as are not contraband or merely conditional contraband, namely, foodstuffs, raw material, et cetera, although these are treated by England when Germany is in question as absolute contraband, but also with goods which have been regularly and unquestionably acknowledged to be absolute contraband. The German Government believe that they are obliged to point out very particularly and with the greatest emphasis, that a trade in arms exists between American manufacturers and Germany's enemies which is estimated at many hundred million marks.

The German Government have given due recognition to the fact that as a matter of form the exercise of rights and the toleration of wrong on the part of neutrals is limited by their pleasure alone and involves no formal breach of neutrality. The German Government have not in consequence made any charge of formal breach of neutrality. The German Government can not, however, do otherwise, especially in the interest of absolute clearness in the relations between the two countries, than to emphasize that they, in common with the public opinion in Germany, feel themselves placed at a great disadvantage through the fact that the neutral powers have hitherto achieved no success or only an unmeaning success in their assertion of the right to trade with Germany, acknowledged to be legitimate by international law, whereas they make unlimited use of their right to tolerate trade in contraband with England and our other enemies. Conceded that it is the formal right of neutrals not to protect their legitimate trade with Germany and even to allow themselves knowingly and willingly to be induced by England to restrict such trade, it is on the other hand not less their good right, although unfortunately not exercised, to stop trade in contraband, especially the trade in arms, with Germany's enemies.

In view of this situation the German Government see themselves compelled, after six months of patience and watchful waiting, to meet England's murderous method of conducting maritime war with drastic counter measures. If England invokes the powers of famine as an ally in its struggles against Germany with the intention of leaving a civilized people the alternative of perishing in misery or submitting to the yoke of England's political and commercial will, the German Government are to-day determined to take up the gauntlet and to appeal to the same grim ally. They rely on the neutrals who have hitherto tacitly or under protest submitted to the consequences, detrimental to themselves, of England's war of famine to display not less tolerance toward Germany, even if the German measures constitute new forms of maritime war, as has hitherto been the case with the English measures.

In addition to this, the German Government are determined to suppress with all the means at their disposal the supply of war material to England and her allies and assume at the same time that it is a matter of course that the neutral Governments which have hitherto undertaken no action against the trade in arms which Germany's enemies do not intend to oppose the forcible suppression of this trade by Germany.

Proceeding from these points of view the German Admiralty has de-



clared the zone prescribed by it the seat of war; it will obstruct this area of maritime war by mines wherever possible and also endeavor to destroy the merchant vessels of the enemy in any other way.

It is very far indeed from the intention of the German Government, acting in obedience to these compelling circumstances, ever to destroy neutral lives and neutral property, but on the other hand they can not be blind to the fact that dangers arise through the action to be carried out against England which menace without discrimination all trade within the area of maritime war. This applies as a matter of course to war mines, which place any ship approaching a mined area in danger, even if the limits of international law are adhered to most strictly.

The German Government believe that they are all the more justified in the hope that the neutral powers will become reconciled with this, just as they have with the serious injury caused them thus far by England's measures, because it is their will to do everything in any way compatible with the accomplishment of their purpose for the protection of neutral shipping even within the area of maritime war.

They furnish the first proof of their good will by announcing the measures intended by them at a time not less than two weeks beforehand, in order to give neutral shipping an opportunity to make the necessary arrangements to avoid the threatening danger. The safest method of doing this is to stay away from the area of maritime war. Neutral ships entering the closed waters in spite of this announcement, given so far in advance, and which seriously impairs the accomplishment of the military purpose against England, bear their own responsibility for any unfortunate accidents. The German Government on their side expressly decline all responsibility for such accidents and their consequences.

Furthermore, the German Government announced merely the destruction of enemy merchant vessels found within the area of maritime war, and not the destruction of all merchant vessels, as the American Government appear to have erroneously understood. This limitation which the German Government have imposed upon themselves impairs the military purpose, especially since the presumption will prevail, even in the case of neutral ships, that they have contraband on board, in view of the interpretation of the idea of contraband in which the English Government have indulged as regards Germany and which the German Government will accordingly apply against England.

Naturally the Imperial Government are not willing to waive the

right to establish the presence of contraband in the cargoes of neutral ships and, in cases requiring it, to take any action necessary on the grounds established. Finally the German Government are prepared to accord, in conjunction with the American Government, the most earnest consideration to any measure that might be calculated to insure the safety of legitimate shipping of neutrals within the seat of war. They can not, however, overlook the fact that all efforts in this direction are considerably hampered by two circumstances: First, by the misuse of the neutral flag by English merchant vessels, which in the meantime has probably been established beyond a doubt by the American Government likewise. Second, by the above-mentioned trade in contraband, especially war materials, by neutral merchant vessels. In regard to the latter point, the German Government ventures to hope that the American Government upon reconsideration will see their way clear to a measure of intervention in accordance with the spirit of true neutrality.

As regards the first point, the secret order of the British Admiralty has already been communicated to the American Government by Germany. It recommends English merchant vessels to use neutral flags and has in the meantime been confirmed by a statement of the British Foreign Office which refers to the municipal law of England and characterizes such action as quite unobjectionable. The English merchant marine has followed this counsel without delay, as is probably known to the American Government, from the cases of the *Lusitania* and *Laertes*. Moreover, the British Government have armed English merchant vessels and instructed them to resist by force the German submarines. In these circumstances it is very difficult for the German submarines to recognize neutral merchant vessels as such, for even a search will not be possible in the majority of cases, since the attacks to be anticipated in the case of a disguised English ship would expose the commanders conducting a search and the boat itself to the danger of destruction.

The British Government would then be in a position to render the German measures illusory if their merchant marine persists in the misuse of neutral flags and neutral vessels are not marked in some other manner admitting of no possible doubt. Germany must, in the exigency into which she has unlawfully been forced, make her measures effective at all events in order thereby to compel her adversary to conduct maritime warfare in accordance with international law and thus to

reestablish the freedom of the seas which she has ever advocated and for which she is fighting likewise to-day.

The German Government, therefore, welcomes the fact that the American Government have made representations to the British Government relative to the use of their flag contrary to law and give expression to the expectation that this action will cause England to respect the American flag in future.

In this expectation the commanders of the German submarines have been instructed, as was already stated in the note of fourth instant, to abstain from violence to American merchant vessels when they are recognizable as such.

In order to meet in the safest manner all the consequences of mistaking an American for a hostile merchant vessel the German Government recommended that (although this would not apply in the case of danger from mines) the United States convoy their ships carrying peaceable cargoes and traversing the English seat of maritime war in order to make them recognizable. In this connection the German Government believe it should be made a condition that only such ships should be convoyed as carry no merchandise which would have to be considered as contraband according to the interpretation applied by England against Germany. The German Government are prepared to enter into immediate negotiations with the American Government relative to the manner of convoy. They would, however, be particularly grateful if the American Government would urgently advise their merchant vessels to avoid the English seat of maritime war, at any rate until the flag question is settled.

The German Government resign themselves to the confident hope that the American Government will recognize the full meaning of the severe struggle which Germany is conducting for her very existence and will gain full understanding of the reasons which prompt Germany and the aims of the measures announced by her from the above explanations and promises.

The German Government repeat that in the scrupulous consideration for neutrals hitherto practiced by them they have determined upon the measures planned only under the strongest compulsion of national self-preservation. Should the American Government at the eleventh hour succeed in removing, by virtue of the weight which they have the right and ability to throw into the scales of the fate of peoples, the reasons which have made it the imperative duty of the German Govern-

ment to take the action indicated, should the American Government in particular find a way to bring about the observation of the Declaration of London on the part of the Powers at war with Germany and thereby to render possible for Germany the legitimate supply of food-stuffs and industrial raw materials, the German Government would recognize this as a service which could not be too highly estimated in favor of more humane conduct of war and would gladly draw the necessary conclusions from the new situation thus created.

The undersigned requests the Ambassador to bring the above to the attention of the American Government and avails himself of the opportunity to renew, et cetera.

VON JAGOW.

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*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

No. 1674.]

AMERICAN EMBASSY,  
*London, February 19, 1915.*

Your 1105, 10th. Sir Edward Grey has just handed me the following memorandum since your telegram to him was given to the press in Washington. I consented to his proposal to give this memorandum out for publication in Saturday morning newspapers:

The memorandum communicated on the 11th February calls attention in courteous and friendly terms to the action of the captain of the British S. S. *Lusitania* in raising the flag of the United States of America when approaching British waters and says that the Government of the United States feel a certain anxiety in considering the possibility of any general use of the flag of the United States by British vessels traversing those waters since the effect of such a policy might be to bring about a menace to the lives and vessels of United States citizens.

It was understood that the German Government had announced their intention of sinking British merchant vessels at sight by torpedoes without giving any opportunity of making any provision for saving the lives of noncombatant crews and passengers. It was in consequence of this threat that the *Lusitania* raised the United States flag on her inward voyage and on her subsequent outward voyage. A request was made by the United States passengers who were embarking on board her that the United States flag should be hoisted presumably to insure their safety. Meanwhile the memorandum from Your Excellency had been received. His Majesty's Government did not give any advice to the company as to how to meet this request and it is understood that the *Lusitania* left Liverpool under the British flag.

It seems unnecessary to say more as regards the *Lusitania* in particular regard to the use of foreign flags by merchant vessels. The British merchant shipping act

makes it clear that the use of the British flag by foreign merchant vessels is permitted in time of war for the purpose of escaping capture. It is believed that in the case of some other nations there is a similar recognition of the same practice with regard to their flags and that none have forbidden it. It would therefore be unreasonable to expect His Majesty's Government to pass legislation forbidding the use of foreign flags by British merchant vessels to avoid capture by the enemy. Now that the German Government have announced their intention to sink merchant vessels at sight with their noncombatant crews, cargoes, and papers, a proceeding hitherto regarded by the opinion of the world not as war, but as piracy, it is felt that the United States Government could not fairly ask the British Government to order British merchant vessels to forego the means—always hitherto permitted—of escaping not only capture but the much worse fate of sinking and destruction. Great Britain has always when neutral accorded to the vessels of other States at war liberty to use the British flag as a means of protection against capture, and instances are on record when United States vessels availed themselves of this facility during the American Civil War. It would be contrary to fair expectation if now when the conditions are reversed the United States and neutral nations were to grudge to British ships liberty to take similar action. The British Government have no intention of advising their merchant shipping to use foreign flags as general practice or to resort to them otherwise than for escaping capture or destruction.

The obligation upon a belligerent warship to ascertain definitely for itself the nationality and character of a merchant vessel before capturing it and 'a fortiori' before sinking and destroying it has been universally recognized. If this obligation is fulfilled, hoisting a neutral flag on board a British vessel can not possibly endanger neutral shipping and the British Government hold that if loss to neutrals is caused by disregard of this obligation it is upon the enemy vessel disregarding it and upon the Government giving orders that it should be disregarded that the sole responsibility for injury to neutrals ought to rest.

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*The Secretary of State to Ambassador W. H. Page.<sup>1</sup>*

[Telegram.]

No. 1169.]

DEPARTMENT OF STATE,  
*Washington, February 25, 1915.*

You will please deliver to Sir Edward Grey the following identic note which we are sending England and Germany:

In view of the correspondence which has passed between this Government and Great Britain and Germany respectively, relative to the Declaration of a war zone by the German Admiralty and the use of neutral flags by British merchant vessels, this Government ventures to

<sup>1</sup> Same to the American Embassy at Berlin.

express the hope that the two belligerent Governments may, through reciprocal concessions, find a basis for agreement which will relieve neutral ships engaged in peaceful commerce from the great dangers which they will incur in the high seas adjacent to the coasts of the belligerents.

The Government of the United States respectfully suggests that an agreement in terms like the following might be entered into. This suggestion is not to be regarded as in any sense a proposal made by this Government, for it of course fully recognizes that it is not its privilege to propose terms of agreement between Great Britain and Germany, even though the matter be one in which it and the people of the United States are directly and deeply interested. It is merely venturing to take the liberty which it hopes may be accorded a sincere friend desirous of embarrassing neither nation involved and of serving, if it may, the common interests of humanity. The course outlined is offered in the hope that it may draw forth the views and elicit the suggestions of the British and German Governments on a matter of capital interest to the whole world.

Germany and Great Britain to agree:

1. That neither will sow any floating mines, whether upon the high seas or in territorial waters; that neither will plant on the high seas anchored mines except within cannon range of harbors for defensive purposes only; and that all mines shall bear the stamp of the Government planting them and be so constructed as to become harmless if separated from their moorings.

2. That neither will use submarines to attack merchant vessels of any nationality except to enforce the right of visit and search.

3. That each will require their respective merchant vessels not to use neutral flags for the purpose of *disguise or ruse de guerre*.

Germany to agree:

That all importations of food or foodstuffs from the United States and (from such other neutral countries as may ask it) into Germany shall be consigned to agencies to be designated by the United States Government; that these American agencies shall have entire charge and control without interference on the part of the German Government, of the receipt and distribution of such importations, and shall distribute them solely to retail dealers bearing licenses from the German Government entitling them to receive and furnish such food and foodstuffs to non-combatants only; that any violation of the terms of the retailers' licenses

shall work a forfeiture of their rights to receive such food and foodstuffs for this purpose; and that such food and foodstuffs will not be requisitioned by the German Government for any purpose whatsoever or be diverted to the use of the armed forces of Germany.

Great Britain to agree:

That food and foodstuffs will not be placed upon the absolute contraband list and that shipments of such commodities will not be interfered with or detained by British authorities if consigned to agencies designated by the United States Government in Germany for the receipt and distribution of such cargoes to licensed German retailers for distribution solely to the noncombatant population.

In submitting this proposed basis of agreement this Government does not wish to be understood as admitting or denying any belligerent or neutral right established by the principles of international law, but would consider the agreement, if acceptable to the interested powers, a *modus vivendi* based upon expediency rather than legal right and as not binding upon the United States either in its present form or in a modified form until accepted by this Government.

BRYAN.

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*Ambassador Gerard to the Secretary of State.*

[Telegram.]

No. 1717.]

AMERICAN EMBASSY,  
*Berlin, March 1, 1915.*

Following is translation of the German reply:

The undersigned has the honor to inform His Excellency, Mr. James W. Gerard, Ambassador of the United States of America, in reply to the note of the 22d instant that the Imperial German Government have taken note with great interest of the suggestion of the American Government that certain principles for the conduct of maritime war on the part of Germany and England be agreed upon for the protection of neutral shipping. They see therein new evidence of the friendly feelings of the American Government toward the German Government which are fully reciprocated by Germany.

It is in accordance with Germany's wishes also to have maritime war conducted according to rules which without discriminately restricting one or the other of the belligerent powers in the use of their means of warfare are equally considerate of the interests of neutrals and the dictates of humanity. Consequently it was intimated in the German note of the 16th instant that observation of the Declaration of Lon-

don on the part of Germany's adversaries would create a new situation from which the German Government would gladly draw the proper conclusions.

Proceeding from this view, the German Government have carefully examined the suggestion of the American Government and believe that they can actually see in it a suitable basis for the practical solution of the questions which have arisen.

With regard to the various points of the American note they beg to make the following remarks:

1. With regard to the sowing of mines, the German Government would be willing to agree as suggested not to use floating mines and to have anchored mines constructed as indicated. Moreover, they agree to put the stamp of the Government on all mines to be planted. On the other hand, it does not appear to them to be feasible for the belligerents wholly to forego the use of anchored mines for offensive purposes.

2. The German Government would undertake not to use their submarines to attack mercantile of any flag except when necessary to enforce the right of visit and search. Should the enemy nationality of the vessel or the presence of contraband be ascertained submarine would proceed in accordance with the general rules of international law.

3. As provided in the American note, this restriction of the use of the submarines is contingent on the fact that enemy mercantile abstain from the use of the neutral flag and other neutral distinctive marks. It would appear to be a matter of course that such mercantile also abstain from arming themselves and from all resistance by force, since such procedure contrary to international law would render impossible any action of the submarines in accordance with international law.

4. The regulation of legitimate importations of food into Germany suggested by the American Government appears to be in general acceptable. Such regulation would, of course, be confined to importations by sea, but that would on the other hand include indirect importations by way of neutral ports. The German Government would, therefore, be willing to make the declarations of the nature provided in the American note so that the use of the imported food and foodstuffs solely by the noncombatant population would be guaranteed. The Imperial Government must, however, in addition (\* \* \*)<sup>1</sup> having the importation of other raw material used by the economic system of noncombatants including forage permitted. To that end the enemy Governments would have to permit the free entry into Germany of the raw material mentioned in the free list of the Declaration of London and to treat materials included in the list of conditional contraband according to the same principles as food and foodstuffs.

The German Government venture to hope that the agreement for which the American Government have paved the way may be reached after due consideration of the remarks made above, and that in this way peaceable neutral shipping and trade will not have to suffer any more than is absolutely necessary from the unavoidable effects of maritime war. These effects could be still further reduced if, as was pointed out in the German note of the 16th instant, some way could be found to exclude the shipping of munitions of war from neutral countries to belligerents on ships of any nationality.

The German Government must, of course, reserve a definite statement of their

<sup>1</sup> Apparent omission.



position until such time as they may receive further information from the American Government enabling them to see what obligations the British Government are on their part willing to assume.

The undersigned avails himself of this occasion, etc.

(Signed) VON JAGOW.

Dated Foreign Office, Berlin, February 28, 1915.

GERARD.

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*The British Ambassador to the Secretary of State.*<sup>1</sup>

Germany has declared that the English Channel, the north and west coasts of France, and the waters around the British Isles are a war area and has officially notified that all enemy ships found in that area will be destroyed and that neutral vessels may be exposed to danger. This is in effect a claim to torpedo at sight, without regard to the safety of the crew or passengers, any merchant vessel under any flag. As it is not in the power of the German Admiralty to maintain any surface craft in these waters, this attack can only be delivered by submarine agency.

The law and custom of nations in regard to attacks on commerce have always presumed that the first duty of the captor of a merchant vessel is to bring it before a prize court where it may be tried, where the regularity of the capture may be challenged and where neutrals may recover their cargoes. The sinking of prizes is in itself a questionable act to be resorted to only in extraordinary circumstances and after provision has been made for the safety of all the crew or passengers, if there are passengers on board. The responsibility for discriminating between neutral and enemy vessels, and between neutral and enemy cargo, obviously rests with the attacking ship, whose duty it is to verify the status and character of the vessel and cargo and to preserve all papers before sinking or even capturing it. So also is the humane duty of providing for the safety of the crews of merchant vessels, whether neutral or enemy, an obligation upon every belligerent.

It is upon this basis that all previous discussions of the law for regulating warfare at sea have proceeded. A German submarine, however, fulfills none of these obligations; she enjoys no local command of the waters in which she operates; she does not take her captures within the

<sup>1</sup> A declaration from the French Ambassador in practically identical language was presented at the Department at the same time. See page 115.

jurisdiction of a prize court; she carries no prize crew which she can put on board a prize; she uses no effective means of discriminating between a neutral and an enemy vessel; she does not receive on board for safety the crew and passengers of the vessel she sinks; her methods of warfare are therefore entirely outside the scope of any of the international instruments regulating operations against commerce in time of war. The German declaration substitutes indiscriminate destruction for regulated capture. Germany is adopting these methods against peaceful traders and noncombatant crews with the avowed object of preventing commodities of all kinds, including food for the civil population, from reaching or leaving the British Isles or northern France.

Her opponents are therefore driven to frame retaliatory measures in order in their turn to prevent commodities of any kind from reaching or leaving Germany. These measures will, however, be enforced by the British and French Governments without risk to neutral ships or to neutral or noncombatant life and in strict observance of the dictates of humanity. The British and French Governments will therefore hold themselves free to detain and take into port ships carrying goods of presumed enemy destination, ownership, or origin. It is not intended to confiscate such vessels or cargoes unless they would otherwise be liable to condemnation. The treatment of vessels and cargoes which have sailed before this date will not be affected.

CECIL SPRING-RICE.

BRITISH EMBASSY,  
*Washington, March 1, 1915.*

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*The Secretary of State to Ambassador Page.*

[Telegram.]

No. 1233.]

DEPARTMENT OF STATE,  
*Washington, March 5, 1915.*

In regard to the recent communications received from the British and French Governments concerning restraints upon commerce with Germany, please communicate with the British foreign office in the sense following:

The difficulty of determining action upon the British and French declarations of intended retaliation upon commerce with Germany lies

in the nature of the proposed measures in their relation to commerce by neutrals.

While it appears that the intention is to interfere with and take into custody all ships both outgoing and incoming, trading with Germany, which is in effect a blockade of German ports, the rule of blockade, that a ship attempting to enter or leave a German port regardless of the character of its cargo may be condemned, is not asserted.

The language of the declaration is "the British and French Governments will, therefore, hold themselves free to detain and take into port ships carrying goods of presumed enemy destination, ownership, or origin. It is not intended to confiscate such vessels or cargoes unless they would otherwise be liable to condemnation."

The first sentence claims a right pertaining only to a state of blockade. The last sentence proposes a treatment of ships and cargoes as if no blockade existed. The two together present a proposed course of action previously unknown to international law.

As a consequence neutrals have no standard by which to measure their rights or to avoid danger to their ships and cargoes. The paradoxical situation thus created should be changed and the declaring powers ought to assert whether they rely upon the rules governing a blockade or the rules applicable when no blockade exists.

The declaration presents other perplexities.

The last sentence quoted indicates that the rules of contraband are to be applied to cargoes detained. The rule covering noncontraband articles carried in neutral bottoms is that the cargoes shall be released and the ships allowed to proceed. This rule can not, under the first sentence quoted, be applied as to destination. What then is to be done with a cargo of noncontraband goods detained under the declaration? The same question may be asked as to conditional contraband cargoes.

The foregoing comments apply to cargoes destined for Germany. Cargoes coming out of German ports present another problem under the terms of the declaration. Under the rules governing enemy exports only goods owned by enemy subjects in enemy bottoms are subject to seizure and condemnation. Yet by the declaration it is purposed to seize and take into port all goods of enemy "ownership and origin." The word "origin" is particularly significant. The origin of goods destined to neutral territory on neutral ships is not and never has been a ground for forfeiture except in case a blockade is declared and maintained. What then would the seizure amount to in the present case ex-

cept to delay the delivery of the goods? The declaration does not indicate what disposition would be made of such cargoes if owned by a neutral or if owned by an enemy subject. Would a different rule be applied according to ownership? If so, upon what principles of international law would it rest? And upon what rule if no blockade is declared and maintained could the cargo of a neutral ship sailing out of a German port be condemned? If it is not condemned, what other legal course is there but to release it?

While this Government is fully alive to the possibility that the methods of modern naval warfare, particularly in the use of the submarine for both defensive and offensive operations, may make the former means of maintaining a blockade a physical impossibility, it feels that it can be urged with great force that there should be also some limit to "the radius of activity," and especially so if this action by the belligerents can be construed to be a blockade. It would certainly create a serious state of affairs if, for example, an American vessel laden with a cargo of German origin should escape the British patrol in European waters only to be held up by a cruiser off New York and taken into Halifax.

Similar cablegram sent to Paris.

BRYAN.

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*Ambassador Sharp to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
*Paris, March 14, 1915.*

French Government replies as follows:

In a letter dated March 7 Your Excellency was good enough to draw my attention to the views of the Government of the United States regarding the recent communications from the French and British Governments concerning a restriction to be laid upon commerce with Germany. According to Your Excellency's letter, the declaration made by the Allied Governments presents some uncertainty as regards its application, concerning which the Government of the United States desires to be enlightened in order to determine what attitude it should take.

At the same time Your Excellency notified me that while granting the possibility of using new methods of retaliation against the new use to which submarines have been put, the Government of the United States was somewhat apprehensive that the allied belligerents might (if their action is to be construed as constituting a blockade)

capture in waters near America any ships which might have escaped the cruisers patrolling European waters. In acknowledging receipt of Your Excellency's communication I have the honor to inform you that the Government of the Republic has not failed to consider this point as presented by the Government of the United States, and I beg to specify clearly the conditions of application, as far as my Government is concerned, of the declaration of the Allied Governments. As well set forth by the Federal Government the old methods of blockade can not be entirely adhered to in view of the use Germany has made of her submarines, and also by reason of the geographical situation of that country. In answer to the challenge to the neutrals as well as to its own adversaries, contained in the declaration by which the German Imperial Government stated that it considered the seas surrounding Great Britain and the French coast on the Channel a military zone, and warned neutral vessels not to enter the same on account of the danger they would run, the Allied Governments have been obliged to examine what measures they could adopt to interrupt all maritime communication with the German Empire and thus keep it blockaded by the naval power of the two allies, at the same time, however, safeguarding as much as possible the legitimate interests of neutral powers, and respecting the laws of humanity which no crime of their enemy will induce them to violate.

The Government of the Republic, therefore, reserves to itself the right of bringing into a French or allied port any ship carrying a cargo presumed to be of German origin, destination, or ownership, but it will not go to the length of seizing any neutral ship except in case of contraband. The discharged cargo shall not be confiscated. In the event of a neutral proving his lawful ownership of merchandise destined to Germany, he shall be entirely free to dispose of same, subject to certain conditions. In case the owner of the goods is a German they shall simply be sequestered during the war.

Merchandise of enemy origin shall only be sequestered when it is at the same time the property of an enemy; merchandise belonging to neutrals shall be held at the disposal of its owner to be returned to the port of departure.

As Your Excellency will observe, these measures, while depriving the enemy of important resources, respect the rights of neutrals and will not in any way jeopardize private property, as even the enemy owner will only suffer from the suspension of the enjoyment of his rights during the term of hostilities.

The Government of the Republic, being desirous of allowing neutrals every facility to enforce their claims, has decided to give the prize court (an independent tribunal) cognizance of these questions, and in order to give the neutrals as little trouble as possible it has specified that the prize court shall give sentence within eight days, counting from the date on which the case shall have been brought before it.

I do not doubt, Mr. Ambassador, that the Federal Government, comparing on the one hand the unspeakable violence with which the German military government threatens neutrals, the criminal actions unknown in maritime annals already perpetrated against neutral property and ships and even against the lives of neutral subjects or citizens, and on the other hand the measures adopted by the Allied Governments of France and Great Britain respecting the laws of humanity and the rights of individuals, will readily perceive that the latter have not overstepped their strict rights as belligerents.

Finally, I am anxious to assure you that it is not and it has never been the intention of the Government of the Republic to extend the action of its cruisers against enemy merchandise beyond European seas, the Mediterranean included.

SHARP.

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*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

No. 1795.]

AMERICAN EMBASSY,  
*London, March 15, 1915.*

Following is the full text of a memorandum dated March 13, which Grey handed me to-day:

On the 22d of February last I received a communication from Your Excellency of the identic note addressed to His Majesty's Government and to Germany, respecting an agreement on certain points as to the conduct of the war at sea. The reply of the German Government to this note has been published and it is not understood from the reply that the German Government are prepared to abandon the practice of sinking British merchant vessels by submarines, and it is evident from their reply that they will not abandon the use of mines for offensive purposes on the high seas as contrasted with the use of mines for defensive purposes only within cannon range of their own harbors as suggested by the Government of the United States. This being so, it might appear unnecessary for the British Government to make any further reply than to take note of the German answer. We desire, however, to take the opportunity of making a fuller statement of the whole position and of our feeling with regard to it. We recognize with sympathy the desire of the Government of the United States to see the European war conducted in accordance with the previously recognized rules of international law and the dictates of humanity. It is thus that the British forces have conducted the war, and we are not aware that these forces, either naval or military, can have laid to their charge any improper proceedings, either in the conduct of hostilities or in the treatment of prisoners or wounded. On the German side it has been very different.

1. The treatment of civilian inhabitants in Belgium and the north of France has been made public by the Belgian and French Governments and by those who have had experience of it at first hand. Modern history affords no precedent for the sufferings that have been inflicted on the defenseless and noncombatant population in the territory that has been in German military occupation. Even the food of the population was confiscated until in Belgium an International Commission, largely influenced by American generosity and conducted under American auspices, came to the relief of the population and secured from the German Government a promise to spare what food was still left in the country though the Germans still continue to make levies in money upon the defenseless population for the support of the German Army.

2. We have from time to time received most terrible accounts of the barbarous treatment to which British officers and soldiers have been exposed after they have

been taken prisoner while being conveyed to German prison camps; one or two instances have already been given to the United States Government founded upon authentic and first-hand evidence which is beyond doubt. Some evidence has been received of the hardships to which British prisoners of war are subjected in the prison camps contrasting, we believe, most unfavorably with the treatment of German prisoners in this country. We have proposed, with the consent of the United States Government, that a commission of United States officers should be permitted in each country to inspect the treatment of prisoners of war. The United States Government have been unable to obtain any reply from the German Government to this proposal and we remain in continuing anxiety and apprehension as to the treatment of British prisoners of war in Germany.

3. At the very outset of the war a German mine layer was discovered laying a mine field on the high seas. Further mine fields have been laid from time to time without warning and so far as we know are still being laid on the high seas, and many neutral as well as British vessels have been sunk by them.

4. At various times during the war German submarines have stopped and sunk British merchant vessels, thus making the sinking of merchant vessels a general practice, though it was admitted previously, if at all, only as an exception, the general rule to which the British Government have adhered being that merchant vessels, if captured, must be taken before a prize court. In one case already quoted in a note to the United States Government, a neutral vessel carrying foodstuffs to an unfortified town in Great Britain has been sunk. Another case is now reported in which a German armed cruiser has sunk an American vessel, the *William P. Frye*, carrying a cargo of wheat from Seattle to Queenstown. In both cases the cargoes were presumably destined for the civil population. Even the cargoes in such circumstances should not have been condemned without the decision of a prize court, much less should the vessels have been sunk. It is to be noted that both these cases occurred before the detention by the British authorities of the *Wilhelmina* and her cargo of foodstuffs which the German Government allege is the justification for their own action. The Germans have announced their intention of sinking British merchant vessels by torpedo without notice and without any provision for the safety of the crew. They have already carried out this intention in the case of neutral as well as of British vessels, and a number of noncombatant and innocent lives on British vessels, unarmed and defenseless, have been destroyed in this way.

5. Unfortified, open, and defenseless towns, such as Scarborough, Yarmouth, and Whitby, have been deliberately and wantonly bombarded by German ships of war, causing in some cases considerable loss of civilian life, including women and children.

6. German aircraft have dropped bombs on the east coast of England where there were no military or strategic points to be attacked. On the other hand, I am aware of but two criticisms that have been made on British action in all these respects: (1) It is said that the British naval authorities also have laid some anchored mines on the high seas. They have done so, but the mines were anchored and so constructed that they would be harmless if they went adrift, and no mines whatever were laid by the British naval authorities till many weeks after the Germans had made a regular practice of laying mines on the high seas. (2) It is said that the British Government have departed from the view of international law which they had previously maintained that foodstuffs destined for the civil population should never be interfered

with, this charge being founded on the submission to a prize court of the cargo of the *Wilhelmina*. The special considerations affecting this cargo have already been presented in a memorandum to the United States Government, and I need not repeat them here. Inasmuch as the stoppage of all foodstuffs is an admitted consequence of blockade, it is obvious that there can be no universal rule based on considerations of morality and humanity which is contrary to this practice. The right to stop foodstuffs destined for the civil population must therefore in any case be admitted if an effective "cordon" controlling intercourse with the enemy is drawn, announced, and maintained. Moreover, independently of rights arising from belligerent action in the nature of blockade, some other nations, differing from the opinion of the Governments of the United States and Great Britain, have held that to stop the food of the civil population is a natural and legitimate method of bringing pressure to bear on an enemy country, as it is upon the defense of a besieged town. It is also upheld on the authority of both Prince Bismarck and Count Caprivi, and therefore presumably is not repugnant to German morality. The following are the quotations from Prince Bismarck and Count Caprivi on this point. Prince Bismarck, in answering, in 1885, an application from the Kiel Chamber of Commerce for a statement of the view of the German Government on the question of the right to declare as contraband foodstuffs that were not intended for military forces said: "I reply to the chamber of commerce that any disadvantage our commercial and carrying interests may suffer by the treatment of rice as contraband of war does not justify our opposing a measure which it has been thought fit to take in carrying on a foreign war. Every war is a calamity which entails evil consequences, not only on the combatants but also on neutrals. These evils may easily be increased by the interference of a neutral power with the way in which a third carries on the war to the disadvantage of the subjects of the interfering power, and by this means German commerce might be weighted with far heavier losses than a transitory prohibition of the rice trade in Chinese waters. The measure in question has for its object the shortening of the war by increasing the difficulties of the enemy, and is a justifiable step in war if impartially enforced against all neutral ships." Count Caprivi, during a discussion in the German Reichstag on the 4th of March, 1892, on the subject of the importance of international protection for private property at sea, made the following statements: "A country may be dependent for her food or for her raw products upon her trade. In fact, it may be absolutely necessary to destroy the enemy's trade." \* \* \* "The private introduction of provisions into Paris was prohibited during the siege, and in the same way a nation would be justified in preventing the import of food and raw produce." The Government of Great Britain have frankly declared, in concert with the Government of France, their intention to meet the German attempt to stop all supplies of every kind from leaving or entering British or French ports by themselves stopping supplies going to or from Germany for this end. The British fleet has instituted a blockade, effectively controlling by cruiser "cordon" all passage to and from Germany by sea. The difference between the two policies is, however, that while our object is the same as that of Germany, we propose to attain it without sacrificing neutral ships or noncombatant lives or inflicting upon neutrals the damage that must be entailed when a vessel and its cargo are sunk without notice, examination, or trial. I must emphasize again that this measure is a natural and necessary consequence of the unprecedented methods, repugnant to all law and morality,



which have been described above, which Germany began to adopt at the very outset of the war, and the effects of which have been constantly accumulating.

PAGE.

*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

No. 1798.]

AMERICAN EMBASSY,  
*London, March 15, 1915.*

Following is the full text of a note, dated to-day, and an order in council I have just received from Grey:

1. His Majesty's Government have had under careful consideration the inquiries which, under instructions from your Government, Your Excellency addressed to me on the eighth instant regarding the scope and mode of application of the measures, foreshadowed in the British and French declarations of the first of March, for restricting the trade of Germany. Your Excellency explained and illustrated by reference to certain contingencies the difficulty of the United States Government in adopting a definite attitude toward these measures by reason of uncertainty regarding their bearing upon the commerce of neutral countries.

2. I can at once assure Your Excellency that subject to the paramount necessity of restricting German trade His Majesty's Government have made it their first aim to minimize inconvenience to neutral commerce. From the accompanying copy of the order in council, which is to be published to-day, you will observe that a wide discretion is afforded to the prize court in dealing with the trade of neutrals in such manner as may in the circumstances be deemed just and that full provision is made to facilitate claims by persons interested in any goods placed in the custody of the marshal of the prize court under the order. I apprehend that the perplexities to which Your Excellency refers will for the most part be dissipated by the perusal of this document and that it is only necessary for me to add certain explanatory observations.

3. The effect of the order in council is to confer certain powers upon the executive officers of His Majesty's Government. The extent to which those powers will be actually exercised and the degree of severity with which the measures of blockade authorized will be put into operation, are matters which will depend on the administrative orders issued by the Government and the decisions of the authorities specially charged with the duty of dealing with individual ships and cargoes, according to the merits of each case. The United States Government may rest assured that the instructions to be issued by His Majesty's Government to the fleet and to the customs officials and executive committees concerned will impress upon them the duty of acting with the utmost dispatch consistent with the object in view and of showing in every case such consideration for neutrals as may be compatible with that object which is, succinctly stated, to establish a blockade to prevent vessels from carrying goods for or coming from Germany.

4. His Majesty's Government have felt most reluctant at the moment of initiating a policy of blockade to exact from neutral ships all the penalties attaching to a breach of blockade. In their desire to alleviate the burden which the existence of a state of war at sea must inevitably impose on neutral sea-borne commerce, they declare their intention to refrain altogether from the exercise of the right to confiscate ships or cargoes which belligerents have always claimed in respect of breaches of blockade. They restrict their claim to the stopping of cargoes destined for or coming from the enemy's territory.

5. As regards cotton, full particulars of the arrangements contemplated have already been explained. It will be admitted that every possible regard has been had to the legitimate interests of the American cotton trade.

6. Finally, in reply to the penultimate paragraph of Your Excellency's note, I have the honor to state that it is not intended to interfere with neutral vessels carrying enemy cargo of noncontraband nature outside European waters, including the Mediterranean.

#### ORDER IN COUNCIL.

Whereas the German Government has issued certain orders which, in violation of the usages of war, purport to declare the waters surrounding the United Kingdom a military area, in which all British and allied merchant vessels will be destroyed, irrespective of the safety of the lives of passengers and crew, and in which neutral shipping will be exposed to similar danger in view of the uncertainties of naval warfare; and

Whereas in a memorandum accompanying the said orders neutrals are warned against entrusting crews, passengers, or goods to British or allied ships;

Whereas such attempts on the part of the enemy give to His Majesty an unquestionable right of retaliation;

And whereas His Majesty has therefore decided to adopt further measures in order to prevent commodities of any kind from reaching or leaving Germany, though such measures will be enforced without risk to neutral ships or to neutral or noncombatant life and in strict observance of the dictates of humanity;

And whereas the allies of His Majesty are associated with him in the steps now to be announced for restricting further the commerce of Germany;

His Majesty is therefore pleased, by and with the advice of his privy council, to order and it is hereby ordered as follows:

1. No merchant vessel which sailed from her port of departure after the first March, 1915, shall be allowed to proceed on her voyage to any German port.

Unless the vessel receives a pass enabling her to proceed to some neutral or allied port to be named in the pass, goods on board any such vessel must be discharged in a British port and placed in the custody of the marshal of the prize court. Goods so discharged, not being contraband of war, shall, if not requisitioned for the use of His Majesty, be restored by order of the court, upon such terms as the court may in the circumstances deem to be just, to the person entitled thereto.

2. No merchant vessel which sailed from any German port after the first March, 1915, shall be allowed to proceed on her voyage with any goods on board laden at such port.

All goods laden at such port must be discharged in a British or allied port. Goods •

so discharged in a British port shall be placed in the custody of the marshal of the prize court, and, if not requisitioned for the use of His Majesty, shall be detained or sold under the direction of the prize court. The proceeds of goods so sold shall be paid into court and dealt with in such manner as the court may in the circumstances deem to be just.

Provided, that no proceeds of the sale of such goods shall be paid out of court until the conclusion of peace, except on the application of the proper officer of the Crown, unless it be shown that the goods had become neutral property before the issue of this order.

Provided also, that nothing herein shall prevent the release of neutral property laden at such enemy port on the application of the proper officer of the Crown.

3. Every merchant vessel which sailed from her port of departure after the first of March, 1915, on her way to a port other than a German port, carrying goods with an enemy destination, or which are enemy property, may be required to discharge such goods in a British or allied port. Any goods so discharged in a British port shall be placed in the custody of the marshal of the prize court, and, unless they are contraband of war, shall, if not requisitioned for the use of His Majesty, be restored by order of the court, upon such terms as the court may in the circumstances deem to be just to the person entitled thereto.

Provided, that this article shall not apply in any case falling within articles 2 or 4 of this order.

4. Every merchant vessel which sailed from a port other than a German port after the first of March, 1915, having on board goods which are of enemy origin or are enemy property may be required to discharge such goods in a British or allied port. Goods so discharged in a British port shall be placed in the custody of the marshal of the prize court, and if not requisitioned for the use of His Majesty shall be detained or sold under the direction of the prize court. The proceeds of goods so sold shall be paid into court and dealt with in such manner as the court may in the circumstances deem to be just.

Provided, that no proceeds of sale of such goods shall be paid out of court until the conclusion of peace except on the application of the proper officer of the Crown, unless it be shown that the goods had become neutral property before the issue of this order.

Provided also, that nothing herein shall prevent the release of neutral property of enemy origin on the application of the proper officer of the Crown.

5. Any person claiming to be interested in, or to have any claim in respect of, any goods (not being contraband of war) placed in the custody of the marshal of the prize court under this order, or in the proceeds of such goods, may forthwith issue a writ in the prize court against the proper officer of the Crown and apply for an order that the goods should be restored to him, or that their proceeds should be paid to him, or for such other order as the circumstances of the case may require.

The practice and procedure of the prize court shall, so far as applicable, be followed *mutatis mutandis* in any proceedings consequential upon this order.

6. A merchant vessel which has cleared for a neutral port from a British or allied port, or which has been allowed to pass, having an ostensible destination to a neutral port, and proceeds to an enemy port, shall, if captured on any subsequent voyage, be liable to condemnation.

7. Nothing in this order shall be deemed to affect the liability of any vessel or goods to capture or condemnation independently of this order.

8. Nothing in this order shall prevent the relaxation of the provisions of this order in respect of the merchant vessels of any country which declares that no commerce intended for or originating in Germany or belonging to Germany subjects shall enjoy the protection of its flag.

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*Ambassador Sharp to the Secretary of State.*

[Extract.]

No. 407.]

AMERICAN EMBASSY,  
*Paris, March 30, 1915.*

SIR: I have the honor to enclose to you herewith the text of a decree, dated the 13th instant, relative to the treatment of merchandise belonging to subjects of the German Empire, or coming from Germany, or shipped to Germany, having gone to sea after the promulgation of this decree. Preceding this decree is the text of a report, dated the 12th instant, made by the Ministers for Foreign Affairs, Finance, War and Marine, to the President of the Republic and following it is the text of an official declaration, dated the 1st instant, both relative to the decree above mentioned.

I have, etc.,

WM. G. SHARP.

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[Inclosure 1—Translation.]

*Report to the President of the French Republic.*

MINISTRY FOR FOREIGN AFFAIRS,  
*Paris, March 12, 1915.*

MR. PRESIDENT: The German Government has decreed certain measures which in violation of the usages of war, are aimed at declaring the waters which encircle northern France and the United Kingdom a military zone, in which all allied merchant vessels shall be destroyed without regard for the lives of the crew and the non-combatant passengers and in which neutral shipping will be exposed to the same dangers.

In a memorandum accompanying the publication of the aforesaid measures neutrals are warned not to embark sailors, passengers, or cargo on ships belonging to the Allies.

Such pretensions on the part of the enemy give to the Allied Governments the

right to respond by preventing every kind of merchandise from reaching or leaving Germany. However, the Allied Governments never intend to follow their enemy in the cruel and barbarous methods of which he habitually makes use, and the measures to which they have been obliged to have recourse shall not in their intention carry any risk for neutral vessels or for the lives of neutrals or noncombatants and shall be applied in strict conformity with the laws of humanity.

It is under these conditions and in this spirit that the joint declaration hereto annexed, notified to the allied Governments on March 1, 1915, has been conceived, and in which are drafted the terms of the decree which we have the honor to submit for your high approval.

We beg you to accept, Mr. President, the assurances of our profound respect.

Minister of Finance,

Signed: A. RIBOT.

Minister of Marine,

Signed: VICTOR AUCAGNEUR.

Minister for Foreign Affairs,

Signed: DELCASSÉ.

Minister of War,

Signed: A. MILLERAND.

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[Inclosure 2—Translation.]

DECREE.

The President of the French Republic, on the report of the minister for foreign affairs, the minister of finance, the minister of war, and the minister of marine, decrees:

ARTICLE 1.

All goods belonging to subjects of the German Empire, either shipped from or to Germany and having taken the sea since the promulgation of this present decree shall be stopped by the cruisers of the Republic.

All territory occupied by the German armed forces is assimilated to German territory.

ARTICLE 2.

All articles and goods either of German brand or manufacture or made in Germany, the products of German soil, as well as all articles and merchandise, whatsoever the point of departure of which, either direct or in transit, is in German territory, shall be considered as merchandise coming from Germany.

However, the present stipulation shall not apply to articles or merchandise which the subject of a neutral country may prove to have brought lawfully into a neutral country prior to the promulgation of the present decree or of which he may prove that he was in regular and lawful possession prior to the said promulgation.

## ARTICLE 3.

All articles and merchandise whatsoever shipped either direct or in transit to Germany or to a country close to Germany, whenever the documents accompanying said articles or merchandise shall not show proof that their ultimate and true destination is in a neutral country, shall be considered as merchandise destined for Germany.

## ARTICLE 4.

Neutral vessels on board of which shall be found merchandise falling within article 1 shall be conducted to a French or allied port. In the event of the vessel being brought to a French port the merchandise shall be unloaded unless otherwise provided as hereinafter stipulated. The vessel shall afterwards be liberated.

All merchandise recognized as belonging to German subjects shall be placed under sequestration or sold, the proceeds thereof being deposited at the Caisse des Dépôts et Consignations until the conclusion of peace to the account of the persons entitled thereto.

All merchandise belonging to neutrals and coming from Germany shall be held at the disposal of their neutral owners to be reshipped to their port of departure within a delay which shall be determined. After expiration of the said delay the said merchandise shall be subject to requisition or sold for the account and at the expense and risk of the owners.

Merchandise belonging to neutrals and bound for Germany shall be held at the disposal of the neutral owners, either to be returned to the port of departure or to be sent to any other French, allied, or neutral port as may be authorized. In either case a period of time shall be fixed, at the expiration of which the merchandise shall be subject to requisition or sold for the account and at the expense and risk of the owner.

## ARTICLE 5.

In exceptional cases, at the suggestion of the Minister for Foreign Affairs, approved by the Minister of War, the Minister of Marine may grant authorization for the passage of a specified cargo or a certain special category of merchandise destined to or coming from a specified neutral country.

Goods coming from Germany shall only be authorized to pass when they shall have been loaded in a neutral port after having paid the customs duty of the neutral country.

## ARTICLE 6.

Nothing in this decree shall be deemed to affect the provisions decreed regarding merchandise declared absolute or conditional contraband of war.

## ARTICLE 7.

The question as to whether the captured merchandise belongs to German subjects or is bound to or from Germany, shall be decided before a prize court as hereinafter provided.

Within two days from the arrival of the captured ship, the ship's papers and other documents justifying the capture shall be sent by the prize service of the port through

the Minister of Marine to the commissioner representing the Government at the prize court, who will immediately notify the president of the said court.

The president shall convene the court which shall declare sentence upon the said documents within eight days of the registration of the dossier at the court. Notwithstanding the said delay, the court shall always be entitled to order any investigation which may appear to it advisable and to grant, if necessary, to the parties who may so demand, sufficient time to justify their rights.

The decision of the prize court shall be transmitted to the Minister of Marine, who shall be directed to execute same.

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ARTICLE 8.

The Minister for Foreign Affairs, the Minister of Finance, the Minister of War, and the Minister of Marine shall be directed, in so far as they are respectively concerned, to execute the present decree.

Done at Paris, March 13, 1915.

Signed: R. POINCARÉ.

By the President of the Republic.

The Minister for Foreign Affairs.

Signed: DELCASSÉ.

The Minister of Finance.

Signed: A. RIBOT.

The Minister of War.

Signed: A. MILLERAND.

The Minister of Marine.

Signed: VICTOR AUGAGNEUR.

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[Inclosure 3—Translation.]

*Annex.*

DECLARATION.

Germany has declared the English Channel, the northern and western coasts of France, as well as the waters surrounding the British Isles to be a "war zone," and has officially proclaimed that "all enemy vessels found in this zone will be destroyed and that neutral vessels there might be in danger." This is in reality a claim to torpedo at sight, without regard for the safety of crew and passengers, any merchant vessel under any flag. As it is not in the power of the German Admiralty to maintain any vessel on the surface in these waters, this attack can only be carried out by submarine means. International law and the custom of nations regarding attack against commerce have always presumed that the first duty of the captor of a merchant vessel is to take it before a prize court where it can be judged, where the regularity of the capture can be determined, and where neutrals may recover their cargo. To sink a captured vessel is in itself a questionable act, to which recourse can be had only under extraordinary circumstances and after measures have been taken to

assure the safety of all the crew and the passengers, if there are passengers on board. The responsibility of distinguishing between neutral and enemy cargo, as well as between neutral and enemy vessels, is manifestly incumbent on the attacking vessel, whose duty it is to verify the status and the character of the vessel and its cargo, as well as to place all papers in safety, before sinking or even making a capture. Also the duty toward humanity consisting in assuring the safety of crews of merchant vessels, whether they are neutral or enemy, is an obligation for every belligerent. It is on this basis that all previous discussions of the law aiming at regulating the conduct of war at sea have been conducted.

In fact, a German submarine is incapable of fulfilling any one of these obligations. It exercises no local power on the waters in which it operates. It does not bring its capture within the jurisdiction of a prize court. It does not carry any prize crew which it can put aboard a prize. It employs no effective means of distinguishing between a neutral and an enemy vessel. It does not, by taking them on board, assure the safety of the crew and passengers of the vessel which it sinks. Its methods of war are consequently entirely outside the observance of all international texts, governing operations against commerce in time of war. The German declaration substitutes for regulated capture, blind destruction.

Germany adopts these methods against peaceful merchants and noncombatant crews, with the avowed intention of preventing merchandise of every kind (including provisions for feeding the civil population) from entering or leaving the British Isles and northern France. Her adversaries are consequently forced to have recourse to measures of retaliation, so as to prevent reciprocally merchandise of all kinds, from reaching or leaving Germany. However, these measures will be enforced by the French and British Governments without risk, either for the vessels or the lives of neutrals and of noncombatants, and in strict conformity with humane principles.

Consequently, the French Government and the British Government consider themselves free to stop and conduct into their ports, vessels carrying merchandise presumably destined for the enemy, property of the enemy, or coming from the enemy. These vessels will not be confiscated unless they shall be liable to be condemned for other reasons. The treatment of vessels and cargoes which have gone to sea before this date will not be modified.

March 1, 1915.

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*The Secretary of State to Ambassador W. H. Page.*

[Telegram.]

No. 1343.]

DEPARTMENT OF STATE,  
*Washington, March 30, 1915.*

You are instructed to deliver the following to His Majesty's Government in reply to your numbers 1795 and 1798 of March 15:

The Government of the United States has given careful considera-



tion to the subjects treated in the British notes of March 13 and March 15, and to the British Order in Council of the latter date.

These communications contain matters of grave importance to neutral nations. They appear to menace their rights of trade and intercourse not only with belligerents but also with one another. They call for frank comment in order that misunderstandings may be avoided. The Government of the United States deems it its duty, therefore, speaking in the sincerest spirit of friendship, to make its own view and position with regard to them unmistakably clear.

The Order in Council of the 15th of March would constitute, were its provisions to be actually carried into effect as they stand, a practical assertion of unlimited belligerent rights over neutral commerce within the whole European area, and an almost unqualified denial of the sovereign rights of the nations now at peace.

This government takes it for granted that there can be no question what those rights are. A nation's sovereignty over its own ships and citizens under its own flag on the high seas in time of peace is, of course, unlimited; and that sovereignty suffers no diminution in time of war, except in so far as the practice and consent of civilized nations has limited it by the recognition of certain now clearly determined rights, which it is conceded may be exercised by nations which are at war.

A belligerent nation has been conceded the right of visit and search, and the right of capture and condemnation, if upon examination a neutral vessel is found to be engaged in unneutral service or to be carrying contraband of war intended for the enemy's government or armed forces. It has been conceded the right to establish and maintain a blockade of an enemy's ports and coasts and to capture and condemn any vessel taken in trying to break the blockade. It is even conceded the right to detain and take to its own ports for judicial examination all vessels which it suspects for substantial reasons to be engaged in unneutral or contraband service and to condemn them if the suspicion is sustained. But such rights, long clearly defined both in doctrine and practice, have hitherto been held to be the only permissible exceptions to the principle of universal equality of sovereignty on the high seas as between belligerents and nations not engaged in war.

It is confidently assumed that His Majesty's Government will not deny that it is a rule sanctioned by general practice that, even though a blockade should exist and the doctrine of contraband as to unblockaded territory be rigidly enforced, innocent shipments may be freely trans-

ported to and from the United States through neutral countries to belligerent territory without being subject to the penalties of contraband traffic or breach of blockade, much less to detention, requisition, or confiscation.

Moreover the rules of the Declaration of Paris of 1856—among them that free ships make free goods—will hardly at this day be disputed by the signatories of that solemn agreement.

His Majesty's Government, like the Government of the United States, have often and explicitly held that these rights represent the best usage of warfare in the dealings of belligerents with neutrals at sea. In this connection I desire to direct attention to the opinion of the Chief Justice of the United States in the case of the *Peterhof*, which arose out of the Civil War, and to the fact that that opinion was unanimously sustained in the award of the Arbitration Commission of 1871, to which the case was presented at the request of Great Britain. From that time to the Declaration of London of 1909, adopted with modifications by the Order in Council of the 23d of October last, these rights have not been seriously questioned by the British Government. And no claim on the part of Great Britain of any justification for interfering with these clear rights of the United States and its citizens as neutrals could be admitted. To admit it would be to assume an attitude of unneutrality toward the present enemies of Great Britain which would be obviously inconsistent with the solemn obligations of this Government in the present circumstances; and for Great Britain to make such a claim would be for her to abandon and set at naught the principles for which she has consistently and earnestly contended in other times and circumstances.

The note of His Majesty's Principal Secretary of State for Foreign Affairs which accompanies the Order in Council, and which bears the same date, notifies the Government of the United States of the establishment of a blockade which is, if defined by the terms of the Order in Council, to include all the coasts and ports of Germany and every port of possible access to enemy territory. But the novel and quite unprecedented feature of that blockade, if we are to assume it to be properly so defined, is that it embraces many neutral ports and coasts, bars access to them, and subjects all neutral ships seeking to approach them to the same suspicion that would attach to them were they bound for the ports of the enemies of Great Britain, and to unusual risks and penalties.

It is manifest that such limitations, risks, and liabilities placed upon

the ships of a neutral power on the high seas, beyond the right of visit and search and the right to prevent the shipment of contraband already referred to, are a distinct invasion of the sovereign rights of the nation whose ships, trade, or commerce is interfered with.

The Government of the United States is, of course, not oblivious to the great changes which have occurred in the conditions and means of naval warfare since the rules hitherto governing legal blockade were formulated. It might be ready to admit that the old form of "close" blockade with its cordon of ships in the immediate offing of the blockaded ports is no longer practicable in face of an enemy possessing the means and opportunity to make an effective defense by the use of submarines, mines, and air craft; but it can hardly be maintained that whatever form of effective blockade may be made use of, it is impossible to conform at least to the spirit and principles of the established rules of war. If the necessities of the case should seem to render it imperative that the cordon of blockading vessels be extended across the approaches to any neighboring neutral port or country, it would seem clear that it would still be easily practicable to comply with the well-recognized and reasonable prohibition of international law against the blockading of neutral ports by according free admission and exit to all lawful traffic with neutral ports through the blockading cordon. This traffic would of course include all outward-bound traffic from the neutral country and all inward-bound traffic to the neutral country except contraband in transit to the enemy. Such procedure need not conflict in any respect with the rights of the belligerent maintaining the blockade since the right would remain with the blockading vessels to visit and search all ships either entering or leaving the neutral territory which they were in fact, but not of right, investing.

The Government of the United States notes that in the Order in Council His Majesty's Government give as their reason for entering upon a course of action, which they are aware is without precedent in modern warfare, the necessity they conceive themselves to have been placed under to retaliate upon their enemies for measures of a similar nature which the latter have announced it their intention to adopt and which they have to some extent adopted; but the Government of the United States, recalling the principles upon which His Majesty's Government have hitherto been scrupulous to act, interprets this as merely a reason for certain extraordinary activities on the part of His Majesty's naval forces and not as an excuse for or prelude to any unlawful action.

If the course pursued by the present enemies of Great Britain should prove to be in fact tainted by illegality and disregard of the principles of war sanctioned by enlightened nations, it can not be supposed, and this Government does not for a moment suppose, that His Majesty's Government would wish the same taint to attach to their own actions or would cite such illegal acts as in any sense or degree a justification for similar practices on their part in so far as they affect neutral rights.

It is thus that the Government of the United States interprets the language of the note of His Majesty's Principal Secretary of State for Foreign Affairs which accompanies the copy of the Order in Council which was handed to the Ambassador of the United States near the Government in London and by him transmitted to Washington.

This Government notes with gratification that "wide discretion is afforded to the prize court in dealing with the trade of neutrals in such manner as may in the circumstances be deemed just, and that full provision is made to facilitate claims by persons interested in any goods placed in the custody of the marshal of the prize court under the order"; that "the effect of the Order in Council is to confer certain powers upon the executive officers of His Majesty's Government"; and that "the extent to which these powers will be actually exercised and the degree of severity with which the measures of blockade authorized will be put into operation are matters which will depend on the administrative orders issued by the Government and the decisions of the authorities especially charged with the duty of dealing with individual ships and cargoes according to the merits of each case." This Government further notes with equal satisfaction the declaration of the British Government that "the instructions to be issued by His Majesty's Government to the fleet and to the customs officials and executive committees concerned will impress upon them the duty of acting with the utmost dispatch consistent with the object in view, and of showing in every case such consideration for neutrals as may be compatible with that object, which is, succinctly stated, to establish a blockade to prevent vessels from carrying goods for or coming from Germany."

In view of these assurances formally given to this Government, it is confidently expected that the extensive powers conferred by the Order in Council on the executive officers of the Crown will be restricted by "orders issued by the Government" directing the exercise of their discretionary powers in such a manner as to modify in practical application those provisions of the Order in Council which, if strictly enforced,

would violate neutral rights and interrupt legitimate trade. Relying on the faithful performance of these voluntary assurances by His Majesty's Government the United States takes it for granted that the approach of American merchantmen to neutral ports situated upon the long line of coast affected by the Order in Council will not be interfered with when it is known that they do not carry goods which are contraband of war or goods destined to or proceeding from ports within the belligerent territory affected.

The Government of the United States assumes with the greater confidence that His Majesty's Government will thus adjust their practice to the recognized rules of international law, because it is manifest that the British Government have adopted an extraordinary method of "stopping cargoes destined for or coming from the enemy's territory," which, owing to the existence of unusual conditions in modern warfare at sea, it will be difficult to restrict to the limits which have been heretofore required by the law of nations. Though the area of operations is confined to "European waters including the Mediterranean," so great an area of the high seas is covered and the cordon of ships is so distant from the territory affected that neutral vessels must necessarily pass through the blockading force in order to reach important neutral ports which Great Britain as a belligerent has not the legal right to blockade and which, therefore, it is presumed she has no intention of claiming to blockade. The Scandinavian and Danish ports, for example, are open to American trade. They are also free, so far as the actual enforcement of the Order in Council is concerned, to carry on trade with German Baltic ports although it is an essential element of blockade that it bear with equal severity upon all neutrals.

This Government, therefore, infers that the commanders of His Majesty's ships of war engaged in maintaining the so-called blockade will be instructed to avoid an enforcement of the proposed measures of nonintercourse in such a way as to impose restrictions upon neutral trade more burdensome than those which have been regarded as inevitable when the ports of a belligerent are actually blockaded by the ships of its enemy.

The possibilities of serious interruption of American trade under the Order in Council are so many, and the methods proposed are so unusual and seem liable to constitute so great an impediment and embarrassment to neutral commerce that the Government of the United States, if the Order in Council is strictly enforced, apprehends many inter-

ferences with its legitimate trade which will impose upon His Majesty's Government heavy responsibilities for acts of the British authorities clearly subversive of the rights of neutral nations on the high seas. It is, therefore, expected that His Majesty's Government, having considered these possibilities will take the steps necessary to avoid them, and, in the event that they should unhappily occur, will be prepared to make full reparation for every act which under the rules of international law constitutes a violation of neutral rights.

As stated in its communication of October 22, 1914, "this Government will insist that the rights and duties of the United States and its citizens in the present war be defined by the existing rules of international law and the treaties of the United States, irrespective of the provisions of the Declaration of London, and that this Government reserves to itself the right to enter a protest or demand in each case in which those rights and duties so defined are violated or their free exercise interfered with, by the authorities of the British Government."

In conclusion you will reiterate to His Majesty's Government that this statement of the views of the Government of the United States is made in the most friendly spirit, and in accordance with the uniform candor which has characterized the relations of the two Governments in the past, and which has been in large measure the foundation of the peace and amity existing between the two nations without interruption for a century.

BRYAN.

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*Consul General Skinner to the Secretary of State.*

[Extract.]

AMERICAN CONSULATE GENERAL,  
*London, April 7, 1915.*

SIR: Referring to my telegram dated March 31st setting forth that under an unproclaimed Order in Council dated March 23d it was proposed to requisition the cargo of the *Wilhelmina*, I have the honor to enclose herewith a full copy of the order in question.

I have, etc.,

ROBERT P. SKINNER.

## ORDER IN COUNCIL.

March 23, 1915.

Whereas by section 3 of the prize courts act, 1894, His Majesty in Council is authorized to make rules of court for regulating, subject to the provisions of the naval prize act, 1864, and the said act, the procedure and practice of prize courts within the meaning of the naval prize act, 1864, and the duties and conduct of the officers of the courts and of the practitioners therein, and for regulating the fees to be taken by the officers thereof, and the costs, charges, and expenses to be allowed to the practitioners therein:

And whereas in pursuance of the prize courts act, 1894, certain rules were made by the order of His Majesty in Council, dated the 5th day of August, 1914, and amended by the Orders of His Majesty in Council of the 30th day of September, 1914, and the 28th day of November, 1914, respectively, which said rules and amended rules were by the said orders in council directed to take effect *provisionally* in accordance with the provisions of section 2 of the Rules Publication Act, 1893, from the dates of the said Orders in Council, respectively:

And whereas the provisions of section 1 of the rules publication act, 1893, were duly complied with in respect of the said rules and amended rules, and the same were *finally* made by the orders of His Majesty in Council, dated, respectively, the 17th day of September, 1914, the 28th day of November, 1914, and the 3d day of February, 1915.

And whereas it is expedient that the said rules and amended rules should be further amended.

And whereas on account of urgency this order should come into immediate operation.

Now, therefore, His Majesty, by virtue of the powers in this behalf by the said act or otherwise in him vested, is pleased, by and with the advice of his privy council, to order, and it is hereby ordered, as follows:

1. That in Order IX (discovery, inspection, and admission of documents and facts) of the said rules:

In rule 1, the words "upon filing an affidavit" shall be omitted.

In rule 1, instead of the words "any other party" there shall be substituted the words "any party other than the proper officer of the Crown."

2. That in Order XI (sale, appraisement, safe custody, and inspection of prize) of the said rules, in rule 1, the following words shall be omitted: "on account of the condition of a ship, or on application of a claimant, and on or after condemnation."

3. That in Order XV (evidence and hearing) of the said rules, the following rule shall be added:

"21. Notwithstanding anything contained in these rules the proper officer of the Crown may apply to the judge for leave to administer interrogatories for the examination of any person whether a party to the cause or not."

4. That Order XXIX (requisition by admiralty) of the said rules, as amended by His Majesty's Order in Council dated the 28th day of November, 1914, shall be, and the same is hereby, revoked, and in lieu thereof the following order shall have effect:

## "ORDER XXIX—REQUISITION.

"1. Where it is made to appear to the judge on the application of the proper officer of the Crown that it is desired to requisition on behalf of His Majesty a ship in respect of which no final decree of condemnation has been made, he shall order that the ship shall be appraised, and that upon an undertaking being given in accordance with rule 5 of this order, the ship shall be released and delivered to the Crown.

"2. Where a decree for the detention of a ship has been made in accordance with Order XXVIII, the proper officer of the Crown may file a notice (Appendix A, Form No. 55) that the Crown desires to requisition the same, and thereupon a commission (Appendix A, Form No. 56) to the marshal directing him to appraise the ship shall issue. Upon an undertaking being given in accordance with rule 5 of this order the ship shall be released, and delivered to the Crown. Service of this notice shall not be required before filing, but copies thereof shall be served upon the parties by the proper officer of the Crown as soon thereafter as possible.

"3. Where in any case of requisition under this order it is made to appear to the judge on behalf of the Crown that the ship is required for the service of His Majesty forthwith, the judge may order the same to be forthwith released and delivered to the Crown without appraisal.

"4. In any case where a ship has been requisitioned under the provisions of this order and whether or not an appraisal has been made, the court may, on the application of any party, fix the amount to be paid by the Crown in respect of the value of the ship.

"5. In every case of requisition under this order an undertaking in writing shall be filed by the proper officer of the Crown for payment into court on behalf of the Crown of the appraised value of the ship, or of the amount fixed under Rule 4 of this order, as the case may be, at such time or times as the court shall declare by order that the same or any part thereof is required for the purpose of payment out of court.

"6. Where in any case of requisition under this order it is made to appear to the judge on behalf of the Crown that the Crown desires to requisition the ship temporarily, the court may, in lieu of an order of release, make an order for the temporary delivery of the ship to the Crown, and subject as aforesaid the provisions of this order shall apply to such a requisition; provided that, in the event of the return of the ship to the custody of the court, the court may make such order as it thinks fit for the release of the undertaking given on behalf of the Crown or the reduction of the amount undertaken to be paid thereby, as the case may be; and provided also that, where the ship so requisitioned is subject to the provisions of Order XXVIII, rule 1, relating to detention, the amount for which the Crown shall be considered liable in respect of such requisition shall be the amount of the damage, if any, which the ship has suffered by reason of such temporary delivery as aforesaid.

"7. The proceedings in respect of a ship requisitioned under this order shall continue notwithstanding the requisition.

"8. In any case of requisition of a ship in respect of which no cause has been instituted, any person interested in such ship may, without issuing a writ, provided he does not intend to make a claim for restitution or damages, apply by summons for an order that the amount to be paid in respect of such ship be fixed by the court,



and the judge may, on the hearing of such summons, order the ship to be appraised or to be valued, or give such other directions for fixing the amount as he may think fit."

5. That in Form 4 in Appendix A to the said rules there shall be omitted the words "commander of our ship of war" and the words "taken and seized as prize by our said ship of war."

6. This order shall take effect *provisionally* in accordance with the provisions of Section 2 of the rules publication act, 1893, from the date hereof.

ALMERIC FITZROY.

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*The German Ambassador to the Secretary of State.*

[Translation.]

No. A2341.]

IMPERIAL GERMAN EMEASSY,  
*Washington, April 4, 1915.*

MR. SECRETARY OF STATE I have the honor to deliver to Your Excellency the inclosed memorandum on German-American trade and the question of delivery of arms.

Accept, etc.,

J. BERNSTORFF.

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[Inclosure—Translation.]

MEMORANDUM.

No. A2341.]

IMPERIAL GERMAN EMBASSY,  
*Washington, D. C., April 4, 1915.*

The various British Orders in Council have one-sidedly modified the generally recognized principles of international law in a way which arbitrarily stops the commerce of neutral nations with Germany. Even before the last British Order in Council, the shipment of conditional contraband, especially food supplies, to Germany was practically impossible. Prior to the protest sent by the American to the British Government on December 28 last, such a shipment did not actually take place in a single case. Even after this protest the Imperial Embassy knows of only a single case in which an American shipper has ventured to make such a shipment for the purpose of legitimate sale to Germany. Both ship and cargo were immediately seized by the English and are being held in an English port under the pretext of an order of the German Federal Council (Bundesrat) regarding the grain trade, although this resolution of the Federal Council relates exclusively to grain and flour, and not to other foodstuffs, besides making an express exception with respect to imported foodstuffs, and although the German Government gave the

American Government an assurance, and proposed a special organization whereby the exclusive consumption by the civilian population is absolutely guaranteed.

Under the circumstances the seizure of the American ship was inadmissible according to recognized principles of international law. Nevertheless the United States Government has not to date secured the release of the ship and cargo, and has not, after a duration of the war of eight months, succeeded in protecting its lawful trade with Germany.

Such a long delay, especially in matters of food supply, is equivalent to an entire denial.

The Imperial Embassy must therefore assume that the United States Government acquiesces in the violations of international law by Great Britain.

Then there is also the attitude of the United States in the question of the exportation of arms. The Imperial Government feels sure that the United States Government will agree that in questions of neutrality it is necessary to take into consideration not only the formal aspect of the case, but also the spirit in which the neutrality is carried out.

The situation in the present war differs from that of any previous war. Therefore any reference to arms furnished by Germany in former wars is not justified, for then it was not a question *whether* war material should be supplied to the belligerents, but *who* should supply it in competition with other nations. In the present war all nations having a war material industry worth mentioning are either involved in the war themselves or are engaged in perfecting their own armaments, and have therefore laid an embargo against the exportation of war material. The United States is accordingly the only neutral country in a position to furnish war materials. The conception of neutrality is thereby given a new purport, independently of the formal question of hitherto existing law. In contradiction thereto, the United States is building up a powerful arms industry in the broadest sense, the existing plants not only being worked but enlarged by all available means, and new ones built. The international conventions for the protection of the rights of neutral nations doubtless sprang from the necessity of protecting the existing industries of neutral nations as far as possible from injury in their business. But it can in no event be in accordance with the spirit of true neutrality if, under the protection of such international stipulations, an entirely new industry is created in a neutral state, such as is the development of the arms industry in the United States, the business whereof, under the present conditions, can benefit only the belligerent powers.

This industry is actually delivering goods only to the enemies of Germany. The theoretical willingness to supply Germany also if shipments thither were possible, does not alter the case. If it is the will of the American people that there shall be a true neutrality, the United States will find means of preventing this one-sided supply of arms or at least of utilizing it to protect legitimate trade with Germany, especially that in foodstuffs. This view of neutrality should all the more appeal to the United States Government because the latter enacted a similar policy toward Mexico. On February 4, 1914, President Wilson, according to a statement of a Representative in Congress in the Committee for Foreign Affairs of December 30, 1914, upon the lifting of the embargo on arms to Mexico, declared that "we should stand for genuine neutrality, considering the surrounding facts of the case \* \* \*" He then held that "in that case, because Carranza had no ports, while Huerta had them and was

able to import these materials, that it was our duty as a nation to treat (Carranza and Huerta) upon an equality if we wished to observe the true spirit of neutrality as compared with a mere paper neutrality."

If this view were applied to the present case, it would lead to an embargo on the exportation of arms.

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*The Secretary of State to the German Ambassador.*

No. 1379.]

DEPARTMENT OF STATE,  
*Washington, April 21, 1915.*

EXCELLENCY: I have given thoughtful consideration to Your Excellency's note of the 4th of April, 1915, enclosing a memorandum of the same date, in which Your Excellency discusses the action of this Government with regard to trade between the United States and Germany and the attitude of this Government with regard to the exportation of arms from the United States to the nations now at war with Germany.

I must admit that I am somewhat at a loss how to interpret Your Excellency's treatment of these matters. There are many circumstances connected with these important subjects to which I would have expected Your Excellency to advert, but of which you make no mention, and there are other circumstances to which you do refer which I would have supposed to be hardly appropriate for discussion between the Government of the United States and the Government of Germany.

I shall take the liberty, therefore, of regarding Your Excellency's references to the course pursued by the Government of the United States with regard to interferences with trade from this country, such as the Government of Great Britain have attempted, as intended merely to illustrate more fully the situation to which you desire to call our attention and not as an invitation to discuss that course. Your Excellency's long experience in international affairs will have suggested to you that the relations of the two Governments with one another can not wisely be made a subject of discussion with a third Government, which can not be fully informed as to the facts and which can not be fully cognizant of the reasons for the course pursued. I believe, however, that I am justified in assuming that what you desire to call forth is a frank statement of the position of this Government in regard to its obligations as a neutral power. The general attitude and course of policy of this Government in the maintenance of its neutrality I am particularly anxious that Your Excellency should see in their true light. I had hoped that this Government's position in these respects had been

made abundantly clear, but I am of course perfectly willing to state it again. This seems to me the more necessary and desirable because, I regret to say, the language which Your Excellency employs in your memorandum is susceptible of being construed as impugning the good faith of the United States in the performance of its duties as a neutral. I take it for granted that no such implication was intended, but it is so evident that Your Excellency is laboring under certain false impressions that I can not be too explicit in setting forth the facts as they are, when fully reviewed and comprehended.

In the first place, this Government has at no time and in no manner yielded any one of its rights as a neutral to any of the present belligerents. It has acknowledged, as a matter of course, the right of visit and search and the right to apply the rules of contraband of war to articles of commerce. It has, indeed, insisted upon the use of visit and search as an absolutely necessary safeguard against mistaking neutral vessels for vessels owned by an enemy and against mistaking legal cargoes for illegal. It has admitted also the right of blockade if actually exercised and effectively maintained. These are merely the well-known limitations which war places upon neutral commerce on the high seas. But nothing beyond these has it conceded. I call Your Excellency's attention to this, notwithstanding it is already known to all the world as a consequence of the publication of our correspondence in regard to these matters with several of the belligerent nations, because I can not assume that you have official cognizance of it.

In the second place, this Government attempted to secure from the German and British Governments mutual concessions with regard to the measures those Governments respectively adopted for the interruption of trade on the high seas. This it did, not of right, but merely as exercising the privileges of a sincere friend of both parties and as indicating its impartial good will. The attempt was unsuccessful; but I regret that Your Excellency did not deem it worthy of mention in modification of the impressions you expressed. We had hoped that this act on our part had shown our spirit in these times of distressing war as our diplomatic correspondence had shown our steadfast refusal to acknowledge the right of any belligerent to alter the accepted rules of war at sea in so far as they affect the rights and interests of neutrals.

In the third place, I note with sincere regret that, in discussing the sale and exportation of arms by citizens of the United States to the enemies of Germany, Your Excellency seems to be under the impression

that it was within the choice of the Government of the United States, notwithstanding its professed neutrality and its diligent efforts to maintain it in other particulars, to inhibit this trade, and that its failure to do so manifested an unfair attitude toward Germany. This Government holds, as I believe Your Excellency is aware, and as it is constrained to hold in view of the present indisputable doctrines of accepted international law, that any change in its own laws of neutrality during the progress of a war which would affect unequally the relations of the United States with the nations at war would be an unjustifiable departure from the principle of strict neutrality by which it has consistently sought to direct its actions, and I respectfully submit that none of the circumstances urged in Your Excellency's memorandum alters the principle involved. The placing of an embargo on the trade in arms at the present time would constitute such a change and be a direct violation of the neutrality of the United States. It will, I feel assured, be clear to Your Excellency that, holding this view and considering itself in honor bound by it, it is out of the question for this Government to consider such a course.

I hope that Your Excellency will realize the spirit in which I am drafting this reply. The friendship between the people of the United States and the people of Germany is so warm and of such long standing, the ties which bind them to one another in amity are so many and so strong, that this Government feels under a special compulsion to speak with perfect frankness when any occasion arises which seems likely to create any misunderstanding, however slight or temporary, between those who represent the Governments of the two countries. It will be a matter of gratification to me if I have removed from Your Excellency's mind any misapprehension you may have been under regarding either the policy or the spirit and purposes of the Government of the United States. Its neutrality is founded upon the firm basis of conscience and good will.

Accept, etc.,

W. J. ERYAN.

*The Secretary of State to Ambassador Gerard.*

No. 1664.]

DEPARTMENT OF STATE,  
Washington, May 13, 1915.

Please call on the Minister of Foreign Affairs and after reading to him this communication leave with him a copy.

In view of recent acts of the German authorities in violation of Amer-

ican rights on the high seas which culminated in the torpedoing and sinking of the British steamship *Lusitania* on May 7, 1915, by which over 100 American citizens lost their lives, it is clearly wise and desirable that the Government of the United States and the Imperial German Government should come to a clear and full understanding as to the grave situation which has resulted.

The sinking of the British passenger steamer *Falaba* by a German submarine on March 28, through which Leon C. Thrasher, an American citizen, was drowned; the attack on April 28 on the American vessel *Cushing* by a German aeroplane; the torpedoing on May 1 of the American vessel *Gulflight* by a German submarine, as a result of which two or more American citizens met their death; and, finally, the torpedoing and sinking of the steamship *Lusitania*, constitute a series of events which the Government of the United States has observed with growing concern, distress, and amazement.

Recalling the humane and enlightened attitude hitherto assumed by the Imperial German Government in matters of international right, and particularly with regard to the freedom of the seas; having learned to recognize the German views and the German influence in the field of international obligation as always engaged upon the side of justice and humanity; and having understood the instructions of the Imperial German Government to its naval commanders to be upon the same plane of humane action prescribed by the naval codes of other nations, the Government of the United States was loath to believe—it can not now bring itself to believe—that these acts, so absolutely contrary to the rules, the practices, and the spirit of modern warfare, could have the countenance or sanction of that great Government. It feels it to be its duty, therefore, to address the Imperial German Government concerning them with the utmost frankness and in the earnest hope that it is not mistaken in expecting action on the part of the Imperial German Government which will correct the unfortunate impressions which have been created and vindicate once more the position of that Government with regard to the sacred freedom of the seas.

The Government of the United States has been apprised that the Imperial German Government considered themselves to be obliged by the extraordinary circumstances of the present war and the measures adopted by their adversaries in seeking to cut Germany off from all commerce, to adopt methods of retaliation which go much beyond the ordinary methods of warfare at sea, in the proclamation of a war zone

from which they have warned neutral ships to keep away. This Government has already taken occasion to inform the Imperial German Government that it cannot admit the adoption of such measures or such a warning of danger to operate as in any degree an abbreviation of the rights of American shipmasters or of American citizens bound on lawful errands as passengers on merchant ships of belligerent nationality; and that it must hold the Imperial German Government to a strict accountability for any infringement of those rights, intentional or incidental. It does not understand the Imperial German Government to question those rights. It assumes, on the contrary, that the Imperial Government accept, as of course, the rule that the lives of noncombatants, whether they be of neutral citizenship or citizens of one of the nations at war, can not lawfully or rightfully be put in jeopardy by the capture or destruction of an unarmed merchantman, and recognize also, as all other nations do, the obligation to take the usual precaution of visit and search to ascertain whether a suspected merchantmen is in fact of belligerent nationality or is in fact carrying contraband of war under a neutral flag.

The Government of the United States, therefore, desires to call the attention of the Imperial German Government with the utmost earnestness to the fact that the objection to their present method of attack against the trade of their enemies lies in the practical impossibility of employing submarines in the destruction of commerce without disregarding those rules of fairness, reason, justice, and humanity which all modern opinion regards as imperative. It is practically impossible for the officers of a submarine to visit a merchantman at sea and examine her papers and cargo. It is practically impossible for them to make a prize of her; and, if they can not put a prize crew on board of her, they can not sink her without leaving her crew and all on board of her to the mercy of the sea in her small boats. These facts it is understood the Imperial German Government frankly admit. We are informed that in the instances of which we have spoken time enough for even that poor measure of safety was not given, and in at least two of the cases cited not so much as a warning was received. Manifestly submarines can not be used against merchantmen, as the last few weeks have shown, without an inevitable violation of many sacred principles of justice and humanity.

American citizens act within their indisputable rights in taking their ships and in traveling wherever their legitimate business calls them

upon the high seas, and exercise those rights in what should be the well-justified confidence that their lives will not be endangered by acts done in clear violation of universally acknowledged international obligations, and certainly in the confidence that their own Government will sustain them in the exercise of their rights.

There was recently published in the newspapers of the United States, I regret to inform the Imperial German Government, a formal warning, purporting to come from the Imperial German Embassy at Washington, addressed to the people of the United States, and stating, in effect, that any citizen of the United States who exercised his right of free travel upon the seas would do so at his peril if his journey should take him within the zone of waters within which the Imperial German Navy was using submarines against the commerce of Great Britain and France, notwithstanding the respectful but very earnest protest of his Government, the Government of the United States. I do not refer to this for the purpose of calling the attention of the Imperial German Government at this time to the surprising irregularity of a communication from the Imperial German Embassy at Washington addressed to the people of the United States through the newspapers, but only for the purpose of pointing out that no warning that an unlawful and inhumane act will be committed can possibly be accepted as an excuse or palliation for that act or as an abatement of the responsibility for its commission.

Long acquainted as this Government has been with the character of the Imperial German Government and with the high principles of equity by which they have in the past been actuated and guided, the Government of the United States can not believe that the commanders of the vessels which committed these acts of lawlessness did so except under a misapprehension of the orders issued by the Imperial German naval authorities. It takes it for granted that, at least within the practical possibilities of every such case, the commanders even of submarines were expected to do nothing that would involve the lives of noncombatants or the safety of neutral ships, even at the cost of failing of their object of capture or destruction. It confidently expects, therefore, that the Imperial German Government will disavow the acts of which the Government of the United States complains, that they will make reparation so far as reparation is possible for injuries which are without measure, and that they will take immediate steps to prevent the recurrence of anything so obviously subversive of the principles of warfare for which the



Imperial German Government have in the past so wisely and so firmly contended.

The Government and people of the United States look to the Imperial German Government for just, prompt, and enlightened action in this vital matter with the greater confidence because the United States and Germany are bound together not only by special ties of friendship but also by the explicit stipulations of the treaty of 1828 between the United States and the Kingdom of Prussia.

Expressions of regret and offers of reparation in case of the destruction of neutral ships sunk by mistake, while they may satisfy international obligations, if no loss of life results, can not justify or excuse a practice, the natural and necessary effect of which is to subject neutral nations and neutral persons to new and immeasurable risks.

The Imperial German Government will not expect the Government of the United States to omit any word or any act necessary to the performance of its sacred duty of maintaining the rights of the United States and its citizens and of safeguarding their free exercise and enjoyment.

BRYAN.

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*The German Minister for Foreign Affairs to Ambassador Gerard.*

[Translation.]

BERLIN, *May 28, 1915.*

The undersigned has the honor to make the following reply to the note of His Excellency, Mr. James W. Gerard, Ambassador of the United States of America, dated the fifteenth instant, on the subject of the impairment of many American interests by the German submarine war.

The Imperial Government has subjected the statements of the Government of the United States to a careful examination and has the lively wish on its part also to contribute in a convincing and friendly manner to clear up any misunderstandings which may have entered into the relations of the two Governments through the events mentioned by the American Government.

With regard firstly to the cases of the American steamers *Cushing* and *Gulflight*, the American Embassy has already been informed that it is far from the German Government to have any intention of ordering attacks by submarines or flyers on neutral vessels in the zone which have

not been guilty of any hostile act; on the contrary the most explicit instructions have been repeatedly given the German armed forces to avoid attacking such vessels. If neutral vessels have come to grief through the German submarine war during the past few months by mistake, it is a question of isolated and exceptional cases which are traceable to the misuse of flags by the British Government in connection with carelessness or suspicious actions on the part of the captains of the vessels. In all cases where a neutral vessel through no fault of its own has come to grief through the German submarine or flyers according to the facts as ascertained by the German Government, this Government has expressed its regret at the unfortunate occurrence and promised indemnification where the facts justified it. The German Government will treat the cases of the American steamers *Cushing* and *Gulflight* according to the same principles. An investigation of these cases is in progress. Its results will be communicated to the Embassy shortly. The investigation might, if thought desirable, be supplemented by an International Commission of Inquiry, pursuant to Title Three of The Hague Convention of October 18, 1907, for the pacific settlement of international disputes.

In the case of the sinking of the English steamer *Falaba*, the commander of the German submarine had the intention of allowing passengers and crew ample opportunity to save themselves.

It was not until the captain disregarded the order to lay to and took to flight, sending up rocket signals for help, that the German commander ordered the crew and passengers by signals and megaphone to leave the ship within 10 minutes. As a matter of fact he allowed them 23 minutes and did not fire the torpedo until suspicious steamers were hurrying to the aid of the *Falaba*.

With regard to the loss of life when the British passenger steamer *Lusitania* was sunk, the German Government has already expressed its deep regret to the neutral Governments concerned that nationals of those countries lost their lives on that occasion. The Imperial Government must state for the rest the impression that certain important facts most directly connected with the sinking of the *Lusitania* may have escaped the attention of the Government of the United States. It therefore considers it necessary in the interest of the clear and full understanding aimed at by either Government primarily to convince itself that the reports of the facts which are before the two Governments are complete and in agreement.

The Government of the United States proceeds on the assumption that the *Lusitania* is to be considered as an ordinary unarmed merchant vessel. The Imperial Government begs in this connection to point out that the *Lusitania* was one of the largest and fastest English commerce steamers, constructed with Government funds as auxiliary cruisers, and is expressly included in the navy list published by British Admiralty. It is moreover known to the Imperial Government from reliable information furnished by its officials and neutral passengers that for some time practically all the more valuable English merchant vessels have been provided with guns, ammunition, and other weapons, and reinforced with a crew specially practiced in manning guns. According to reports at hand here, the *Lusitania* when she left New York undoubtedly had guns on board which were mounted under decks and masked.

The Imperial Government furthermore has the honor to direct the particular attention of the American Government to the fact that the British Admiralty by a secret instruction of February of this year advised the British merchant marine not only to seek protection behind neutral flags and markings, but even when so disguised to attack German submarines by ramming them. High rewards have been offered by the British Government as a special incentive for the destruction of the submarines by merchant vessels, and such rewards have already been paid out. In view of these facts, which are satisfactorily known to it, the Imperial Government is unable to consider English merchant vessels any longer as "undefended territory" in the zone of maritime war designated by the Admiralty Staff of the Imperial German Navy, the German commanders are consequently no longer in a position to observe the rules of capture otherwise usual and with which they invariably complied before this. Lastly, the Imperial Government must specially point out that on her last trip the *Lusitania*, as on earlier occasions, had Canadian troops and munitions on board, including no less than 5,400 cases of ammunition destined for the destruction of brave German soldiers who are fulfilling with self-sacrifice and devotion their duty in the service of the Fatherland. The German Government believes that it acts in just self-defense when it seeks to protect the lives of its soldiers by destroying ammunition destined for the enemy with the means of war at its command. The English steamship company must have been aware of the dangers to which passengers on board the *Lusitania* were exposed under the circumstances. In taking them on board in spite of this the company quite deliberately tried to use the lives of American

citizens as protection for the ammunition carried, and violated the clear provisions of American laws which expressly prohibit, and provide punishment for, the carrying of passengers on ships which have explosives on board. The company thereby wantonly caused the death of so many passengers. According to the express report of the submarine commander concerned, which is further confirmed by all other reports, there can be no doubt that the rapid sinking of the *Lusitania* was primarily due to the explosion of the cargo of ammunition caused by the torpedo. Otherwise, in all human probability, the passengers of the *Lusitania* would have been saved.

The Imperial Government holds the facts recited above to be of sufficient importance to recommend them to a careful examination by the American Government. The Imperial Government begs to reserve a final statement of its position with regard to the demands made in connection with the sinking of the *Lusitania* until a reply is received from the American Government, and believes that it should recall here that it took note with satisfaction of the proposals of good offices submitted by the American Government in Berlin and London with a view to paving the way for a *modus vivendi* for the conduct of maritime war between Germany and Great Britain. The Imperial Government furnished at that time ample evidence of its good will by its willingness to consider these proposals. The realization of these proposals failed, as is known, on account of their rejection by the Government of Great Britain.

The undersigned requests His Excellency, the Ambassador, to bring the above to the knowledge of the American Government and avails himself of the opportunity to renew, etc.

VON JAGOW.

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*The German Minister for Foreign Affairs to Ambassador Gerard.*

[Translation.]

BERLIN, June 1, 1915.

With reference to the note of May 28, the undersigned has the honor to inform His Excellency, the Ambassador of the United States of America, Mr. James W. Gerard, that the examination undertaken on the part of the German Government concerning the cases of the American steamers *Gulflight* and *Cushing* has led to the following conclusions:

In regard to the attack on the steamer *Gulflight*, the commander of a German submarine saw on the afternoon of May 1, in the vicinity of the Scilly Islands, a large merchant steamer coming toward him, which was accompanied by two small vessels. These later took up such a position in relation to the steamer that they formed a regular safeguard against submarines; one of them, moreover, had a wireless apparatus, which is not as a rule usual with small vessels. From this it was evidently a case of English convoy vessels. Since such vessels are regularly armed, the submarine could not approach the steamer on the surface of the water without running the danger of destruction. On the other hand, it was to be assumed that the steamer was of considerable value to the British Government since it was so particularly guarded. The commander could see no neutral markings on it of any kind—that is, distinctive marks painted on the freeboard, recognizable at a distance, such as are now usual on neutral ships in the English zone of naval warfare. In consequence, he arrived at the conclusion from all the circumstances that he had to deal with an English steamer and attacked submerged. The torpedo came in the immediate neighborhood of one of the convoy ships, which at once rapidly approached the point of firing, so that the submarine was forced to go to a great depth to avoid being rammed; the conclusion of the commander that an English convoy ship was concerned was in this way confirmed. That the attacked steamer carried the American flag was first observed at the moment of firing the shot. The fact that the steamship was pursuing a course which led neither to nor from America was a further reason why it did not occur to the commander of the submarine that he had to deal with an American steamship.

Upon scrutiny of the time and place of the occurrence described, the German Government has become convinced that the attacked steamship was actually the American steamship *Gulflight*. According to the attendant circumstances there can be no doubt that the attack is not to be attributed to the fault of the commander, but to an unfortunate accident. The German Government expresses its regrets to the Government of the United States concerning this incident and declares itself ready to furnish full recompense for the damage thereby sustained by American citizens. It begs to leave it to the discretion of the American Government to present a statement of this damage, or, if doubts may arise over individual points, to designate an expert, who would have to determine, together with a German expert, the amount of the damage.

It has not yet been possible by means of an inquiry fully to clear up the case of the American steamship *Cushing*. According to the official reports available, only one merchant steamship was attacked by a German flying machine in the vicinity of Nordhind Lightship. The German aviator considered the vessel as hostile, and was forced to consider it as such because it carried no flag and also because of no further recognizable neutral markings. The attack, which was carried into effect by means of four bombs, was of course not aimed at any American ship.

That, however, the ship attacked was the American steamer *Cushing* is not impossible, considering the time and place of the occurrence; nevertheless the German Government accordingly requests the American Government to communicate to it the material which has been submitted for judgment, in order that, with this as a basis, it can take a further position in regard to the matter.

While the undersigned leaves it to the Ambassador to bring the foregoing to the immediate attention of his Government, he takes this opportunity, etc.

VON JAGOW.

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*The Secretary of State ad interim to Ambassador Gerard.*

DEPARTMENT OF STATE,  
Washington, June 9, 1915.

You are instructed to deliver textually the following note to the Minister of Foreign Affairs:

In compliance with Your Excellency's request I did not fail to transmit to my Government immediately upon their receipt your note of May 28 in reply to my note of May 15, and your supplementary note of June 1, setting forth the conclusions so far as reached by the Imperial German Government concerning the attacks on the American steamers *Cushing* and *Gulflight*. I am now instructed by my Government to communicate the following in reply:

The Government of the United States notes with gratification the full recognition by the Imperial German Government, in discussing the cases of the *Cushing* and the *Gulflight*, of the principle of the freedom of all parts of the open sea to neutral ships and the frank willingness of the Imperial German Government to acknowledge and meet its liability where the fact of attack upon neutral ships "which have not been guilty of any hostile act" by German air craft or vessels of war is satisfactorily established; and the Government of the United States will in due course lay before the Imperial German Government, as it requests, full information concerning the attack on the steamer *Cushing*.

With regard to the sinking of the steamer *Falaba*, by which an American citizen lost his life, the Government of the United States is surprised to find the Imperial German Government contending that an effort on the part of a merchantman to escape capture and secure assistance alters the obligation of the officer seeking to make the capture in respect of the safety of the lives of those on board the merchantman, although the vessel has ceased her attempt to escape when torpedoed. These are not new circumstances. They have been in the minds of statesmen and of international jurists throughout the development of naval warfare, and the Government of the United States does not understand that they have ever been held to alter the principles of humanity upon which it has insisted. Nothing but actual forcible resistance or continued efforts to escape by flight when ordered to stop for the purpose of visit on the part of the merchantman has ever been held to forfeit the lives of her passengers or crew. The Government of the United States, however, does not understand that the Imperial German Government is seeking in this case to relieve itself of liability, but only intends to set forth the circumstances which led the commander of the submarine to allow himself to be hurried into the course which he took.

Your Excellency's note, in discussing the loss of American lives resulting from the sinking of the steamship *Lusitania*, adverts at some length to certain information which the Imperial German Government has received with regard to the character and outfit of that vessel, and Your Excellency expresses the fear that this information may not have been brought to the attention of the Government of the United States. It is stated in the note that the *Lusitania* was undoubtedly equipped with masked guns, supplied with trained gunners and special ammunition, transporting troops from Canada, carrying a cargo not permitted under the laws of the United States to a vessel also carrying passengers, and serving, in virtual effect, as an auxiliary to the naval forces of Great Britain. Fortunately, these are matters concerning which the Government of the United States is in a position to give the Imperial German Government official information. Of the facts alleged in Your Excellency's note, if true, the Government of the United States would have been bound to take official cognizance in performing its recognized duty as a neutral power and in enforcing its national laws. It was its duty to see to it that the *Lusitania* was not armed for offensive action, that she was not serving as a transport, that she did not carry a cargo prohibited by the statutes of the United States, and that, if in fact she was a naval vessel of Great Britain, she should not receive clearance as a merchantman; and it performed that duty and enforced its statutes with scrupulous vigilance through its regularly constituted officials. It is able, therefore, to assure the Imperial German Government that it has been misinformed. If the Imperial German Government should deem itself to be in possession of convincing evidence that the officials of the Government of the United States did not perform these duties with thoroughness, the Government of the United States sincerely hopes that it will submit that evidence for consideration.

Whatever may be the contentions of the Imperial German Government regarding the carriage of contraband of war on board the *Lusitania* or regarding the explosion of that material by the torpedo, it need only be said that in the view of this Government these contentions are irrelevant to the question of the legality of the methods used by the German naval authorities in sinking the vessel.

But the sinking of passenger ships involves principles of humanity which throw

into the background any special circumstances of detail that may be thought to affect the cases, principles which lift it, as the Imperial German Government will no doubt be quick to recognize and acknowledge, out of the class of ordinary subjects of diplomatic discussion or of international controversy. Whatever be the other facts regarding the *Lusitania*, the principal fact is that a great steamer, primarily and chiefly a conveyance for passengers, and carrying more than a thousand souls who had no part or lot in the conduct of the war, was torpedoed and sunk without so much as a challenge or a warning, and that men, women, and children were sent to their death in circumstances unparalleled in modern warfare. The fact that more than one hundred American citizens were among those who perished made it the duty of the Government of the United States to speak of these things and once more, with solemn emphasis, to call the attention of the Imperial German Government to the grave responsibility which the Government of the United States conceives that it has incurred in this tragic occurrence, and to the indisputable principle upon which that responsibility rests. The Government of the United States is contending for something much greater than mere rights of property or privileges of commerce. It is contending for nothing less high and sacred than the rights of humanity, which every Government honors itself in respecting and which no Government is justified in resigning on behalf of those under its care and authority. Only her actual resistance to capture or refusal to stop when ordered to do so for the purpose of visit could have afforded the commander of the submarine any justification for so much as putting the lives of those on board the ship in jeopardy. This principle the Government of the United States understands the explicit instructions issued on August 3, 1914, by the Imperial German Admiralty to its commanders at sea to have recognized and embodied, as do the naval codes of all other nations, and upon it every traveler and seaman had a right to depend. It is upon this principle of humanity as well as upon the law founded upon this principle that the United States must stand.

The Government of the United States is happy to observe that Your Excellency's note closes with the intimation that the Imperial German Government is willing, now as before, to accept the good offices of the United States in an attempt to come to an understanding with the Government of Great Britain by which the character and conditions of the war upon the sea may be changed. The Government of the United States would consider it a privilege thus to serve its friends and the world. It stands ready at any time to convey to either Government any intimation or suggestion the other may be willing to have it convey and cordially invites the Imperial German Government to make use of its services in this way at its convenience. The whole world is concerned in anything that may bring about even a partial accommodation of interests or in any way mitigate the terrors of the present distressing conflict.

In the meantime, whatever arrangement may happily be made between the parties to the war, and whatever may in the opinion of the Imperial German Government have been the provocation or the circumstantial justification for the past acts of its commanders at sea, the Government of the United States confidently looks to see the justice and humanity of the Government of Germany vindicated in all cases where Americans have been wronged or their rights as neutrals invaded.

The Government of the United States therefore very earnestly and very solemnly



renews the representations of its note transmitted to the Imperial German Government on the 15th of May, and relies in these representations upon the principles of humanity, the universally recognized understandings of international law, and the ancient friendship of the German nation.

The Government of the United States can not admit that the proclamation of a war zone from which neutral ships have been warned to keep away may be made to operate as in any degree an abbreviation of the rights either of American shipmasters or of American citizens bound on lawful errands as passengers on merchant ships of belligerent nationality. It does not understand the Imperial German Government to question those rights. It understands it, also, to accept as established beyond question the principle that the lives of noncombatants can not lawfully or rightfully be put in jeopardy by the capture or destruction of an unresisting merchantman, and to recognize the obligation to take sufficient precaution to ascertain whether a suspected merchantman is in fact of belligerent nationality or is in fact carrying contraband of war under a neutral flag. The Government of the United States therefore deems it reasonable to expect that the Imperial German Government will adopt the measures necessary to put these principles into practice in respect of the safeguarding of American lives and American ships, and asks for assurances that this will be done.

ROBERT LANSING,  
*Secretary of State ad Interim.*

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*Ambassador W. H. Page to the Secretary of State ad Interim.*

[Telegram.]

AMERICAN EMBASSY,  
*London, June 22, 1915.*

Lord Crewe, in charge of Foreign Office during Sir Edward Grey's temporary absence, has just handed me a printed memorandum dated June 17. It is not an answer to the principles set forth in the note transmitted in your 1343 of March 30, but merely an explanation of concrete cases and the regulations under which they are dealt with. Foreign Office wishes to arrange for simultaneous publication here and in Washington morning of 25th inst. Please telegraph if this date is satisfactory. Memorandum reads as follows:

[Telegram.]

1. His Majesty's Government have on various occasions, and notably in the communication which was addressed to the United States Ambassador on the 15th March last, given assurances to the United States Government that they would make it their first aim to minimize the inconvenience which must inevitably be caused to

neutral commerce from the existence of a state of war at sea, and in particular from the measures taken by the Allied Governments for the restriction of the enemies' oversea trade. In view of the representation and complaints made to this department by the Ambassador from time to time as to the peculiar hardships alleged to have been wrongly inflicted on American trade and shipping by the operation of those measures, His Majesty's Government desire to offer the following observations respecting the manner in which they have consistently endeavoured to give practical effect to those assurances.

2. It will be recalled that, at the moment when His Majesty's Government announced their measures against enemy commerce, they declared their intention to refrain altogether from the exercise of the right to confiscate ships or cargoes, which belligerents had always previously claimed in respect of breaches of blockade; that under Article Five [1] of the enactment of the 11th March, it was expressly provided that any person claiming to be interested in goods placed in the Prize Court in pursuance of the provision of that enactment, might forthwith issue a writ against the proper officer of the Crown, the object being to confer upon claimants the right to institute proceedings without waiting for the writ of the procurator general, and thus to remove all possible cause of legitimate grievance on account of delay; and that, finally, a pacific assurance was given to the United States Government that the instructions to be issued by His Majesty's Government to the fleet, and to the customs officials and executive officials concerned, would impress upon them the duty of acting with the utmost dispatch consistent with the object in view, and of showing in every case such consideration for neutrals as might be compatible with that object, namely, to prevent vessels carrying goods for, or coming from, the enemy's territory.

3. The above measures were all designed to alleviate the burdens imposed upon neutral sea-borne commerce in general. Various special concessions, over and above those enumerated, have moreover been made in favour of United States citizens.

4. Thus his Majesty's Government have acted, as regards shipments of American cotton, in accordance with the provisions of an agreement arrived at in direct collaboration with representatives of the American cotton interests. In accepting this scheme, the principal representative of those interests described it as conceding all that American interests could properly ask. The provisions of the arrangement were, as the United States Ambassador is aware, as follows:

"(1) All cotton for which contracts of sale and freight engagements have already been made before the 2d March is to be allowed free [or bought at contract price if stopped], provided the ship sails not later than the 31st March.

"(2) Similar treatment is to be accorded to all cotton insured before the 2d March, provided it is put on board not later than the 16th March.

"(3) All shipments of cotton claiming the above protection are to be declared before sailing, and documents produced to, and certificates obtained from, consular officers or other authority fixed by the Government."

5. Considerable shipments of cotton have already been dealt with under this arrangement, and in certain cases the dates specified have been extended in favour of American shippers. The Board of Trade have already paid a sum exceeding £450,000 to various American claimants, and all claims are being and will continue to be paid as rapidly as they are presented and the proofs of title can be checked. If in some cases progress has been delayed, this has been due to the fact which has

seriously embarrassed His Majesty's Government—that a number of consignments, for which the American shippers had specifically invoked the protection of the arrangement, are now claimed by Swedish and Dutch firms, whose title of ownership, notwithstanding the action of the American shipper, appears, in some cases to be valid, and in others has led to the issue of writs in the Prize Court.

6. It has been explicitly acknowledged by the special representatives of the American claimants, who have been in constant and direct communication with the Board of Trade, that all the claims so far submitted under the cotton arrangement have been settled with the utmost promptitude so soon as the production of the necessary documents by the claimants allowed of this being done. There is, at the present moment, no claim before His Majesty's Government that has not been paid, and the sums so paid over are already considerably in excess of the amounts realized by the sale of the goods.

7. As regards the more general allegation of delay in dealing with cases of detained cargoes, the following facts and figures may be quoted:

"The total number of vessels which, having cleared from United States ports since the initiation of the retaliatory measures against German trade, are still detained in United Kingdom ports, is 27; of this number, 8 are discharging cotton which His Majesty's Government has agreed to purchase under the above arrangement. Of the remaining 19 vessels, 7 are free to depart so soon as the items of their cargo placed in the Prize Court have been discharged. The other 12, of which 3 only are American ships, are detained pending inquiries as to suspicious consignments, and particulars as to the dates and approximate causes of detention are furnished in the accompanying list: It will be observed that 8 have been detained for a period of less than a week, and 3 for a period of less than a fortnight, while the detention of 1 is due to the difficulties in regard to transit across Sweden and Russia."

8. His Majesty's Government remain convinced that, on an impartial review of the facts, it will be admitted that no arbitrary interference with American interests has, in regard to cotton cargoes, occurred; while if due regard be paid to the enormous volume of American and neutral shipping which is continually engaged in the trans-Atlantic trade, the figures and dates quoted in the preceding paragraph will emphasize the restricted nature of any interference which has taken place and the close attention with which the officials concerned have adhered to their instructions to act in all cases with expedition and with every possible consideration for neutrals.

9. Since His Majesty's Government have been compelled to adopt their present measures against German commerce, they have given special consideration to the question of avoiding as far as possible unnecessary damage to the interests of neutrals in regard to the export of goods of German origin, and here again liberal concessions have been made to United States citizens. Under the rules enacted on the 11th March provision is made for the investigation of all neutral claims respecting such goods in the Prize Court, and it is obvious that these claims can receive due and equitable consideration most properly before a judicial tribunal. Nevertheless, in deference to the express desire of the United States Government, arrangements were made toward the end of March whereby United States citizens who might desire to import goods of German origin via a neutral port were enabled to produce proof of payment to His Majesty's Embassy at Washington. If such proof were deemed satisfactory, His Majesty's Government gave an undertaking that the goods concerned

should not be interfered with in transit, and the American importer was freed from the necessity of submitting his claim to the Prize Court in London for adjudication. A few days later His Majesty's Government further agreed to recognize the neutral ownership of goods of enemy origin even if not paid for before the 1st March, provided they were the subject of an f. o. b. contract of earlier date, and had arrived at a neutral port before the 15th March.

10. Special treatment has also been accorded to cargoes of particular products destined for the United States and stated to be indispensable for the industries of the country: and, in notes addressed to the United States Ambassador in April and May, undertakings were given not to interfere during transit with certain cargoes of dyestuffs, potash, and German beet seed.

11. When it became apparent that large quantities of enemy goods were still passing out through neutral countries, His Majesty's Government felt it necessary to fix a definite date after which such shipments must cease to enjoy the special immunity, theretofore granted, from liability to being placed in the Prize Court. It had been observed that a large increase had taken place in the number of vessels sailing from neutral countries to America and one of the principal lines of steamships advertised a daily in place of a weekly service. In such circumstances it appeared scarcely possible that goods of enemy origin, bought and paid for prior to the 1st March should not have already been shipped to their destination. First June was accordingly fixed as the date after which the privilege allowed in the case of such shipments should cease; but once more a special favour was granted by extending the date in exceptional cases to the 15th June.

12. Importers in the United States having now had three months in which to clear off their purchases in enemy territory, His Majesty's Government trust that, in presence of the circumstances enumerated, the United States Government will acknowledge the great consideration which has been shown to American interests.

13. Nevertheless a fresh appeal has now been made to His Majesty's Government that shipments of American owned goods of enemy origin, if paid for before the beginning of March, should be allowed to be shipped without molestation after the 15th June. The appeal is based principally upon the contentions [A] that insufficient time has already elapsed; [B] that no mention of a time limit is made in the enactment of the 11th March; [C] that the proofs of ownership required by His Majesty's Government are of an exacting nature and involve much time for preparation.

14. The first contention [A] has already been dealt with. As regards [B] and [C], it is true that the enactment of the 11th March contains no mention of a time limit. But it seems to be overlooked that the time limit had been fixed only for the special immunity granted as an exception from that enactment. It was as a friendly concession to American interests that His Majesty's Government agreed to an investigation of claims outside the Prize Court. As for the exacting nature of the proofs required by His Majesty's Government, experience has shown that such proofs were necessary.

15. In deference, however, to the renewed representations of the United States Ambassador, His Majesty's Government have given further directions that in all such cases, as may have been specially submitted through the British Embassy at Washington or to His Majesty's Government direct on or before the 15th June and passed, the goods shall be allowed to proceed without interference, if shipped from a neutral

port on the conditions already laid down, notwithstanding the fact that shipment may not have been made before the 15th June.

16. His Majesty's Government will also be prepared hereafter to give special consideration to cases presented to them and involving particular hardships, if the goods concerned are required for neutral Governments or municipalities, or in respect of works of public utility, and where payment can be shown to have been made before the 1st March, 1915.

17. With the above exceptions, His Majesty's Government regret they can not continue to deal through the diplomatic channel with individual cases, but they would again point out that special provision is made for the consideration of such cases in the Prize Court.

18. Complaints have not infrequently been made that undue delay occurs in dealing with American cargoes in the Prize Court. An interesting comment on this subject was made by the president of the Prize Court in the case of the cargo ex steamship *Ogechee* on the 14th instant. His lordship, according to the transcript from the official shorthand writer's notes, made the following observations:

"It is a very extraordinary thing that, when the Crown are ready to go on, the claimants come here and say, 'We can not proceed for six weeks.' Some day, towards the end of last term, I had a row of eminent counsel in front pressing me to fix a case at once. I fixed it very nearly at once—that is to say, the second day of the following term. They all came and said: 'We want an adjournment for six weeks.'"

19. The solicitor general hereupon remarked:

"If I might say so on that one of the reasons I applied to-day on behalf of the Crown that the matter should be dealt with as soon as possible is for that very reason. There has been such a strong desire on the part of America and American citizens that there should be no delay, but one finds, in fact, the delay comes from there."

20. The president then stated:

"I know that. I do not know what the explanation is, but I am anxious that there should be no delay."

21. It is true that a number of cases, principally relating to cargoes which, though ostensibly consigned to a person in a neutral country, are in reality believed to be destined for the enemy, have been pending in the Prize Court for some time. The United States Government are aware that most of these cargoes consist of meat and lard, and that much of the delay in bringing these cargoes to adjudication was due to the fact that negotiations were being carried on for many weeks with a representative of the principal American meat packers, for an amicable settlement out of court. When at length, owing to the failure of the negotiations, His Majesty's Government decided that they would continue the Prize Court proceedings, and had at the request of the claimants fixed the earliest possible date for the hearing, counsel for the latter asked for an adjournment in their interests despite the fact that the Crown was, by his own admission, ready to proceed.

22. His Majesty's Government are earnestly desirous of removing all causes of avoidable delay in dealing with American cargoes and vessels which may be detained, and any specific inquiries or representations which may be made by the United States Government in regard to particular cases will always receive the most careful consideration and all information which can be afforded without prejudice to Prize Court proceedings will be readily communicated; but they can scarcely admit that

on the basis of actual facts, any substantial grievance on the part of American citizens is justified or can be sustained, and they therefore confidently appeal to the opinion of the United States Government as enlightened by this memorandum.

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*The Austro-Hungarian Minister for Foreign Affairs to Ambassador Penfield.*

[Translation.]

I. AND R. MINISTRY OF THE IMPERIAL AND ROYAL HOUSE AND FOR  
FOREIGN AFFAIRS.

*Vienna, June 29, 1915.*

The far-reaching effects which results from the fact that for a long time a traffic in munitions of war to the greatest extent has been carried on between the United States of America on the one hand and Great Britain and its allies on the other, while Austria-Hungary as well as Germany have been absolutely excluded from the American market, have from the very beginning attracted the most serious attention of the Imperial and Royal Government.

If now the undersigned permits himself to address himself to this question, with which the Washington Cabinet has been concerned until now only with the Imperial German Government, he follows the injunction of imperative duty to protect the interests intrusted to him from further serious damage which results from this situation as well to Austria-Hungary as to the German Empire.

Although the Imperial and Royal Government is absolutely convinced that the attitude of the Federal Government in this connection emanates from no other intention than to maintain the strictest neutrality and to conform to the letter of the provisions of international treaties, nevertheless the question arises whether the conditions as they have developed during the course of the war, certainly independently of the will of the Federal Government, are not such as in effect thwart the intentions of the Washington Cabinet or even actually oppose them. In the affirmative case—and affirmation, in the opinion of the Imperial and Royal Government, can not be doubted—then immediately follows the further question whether it would not seem possible, even impera-

tive, that appropriate measures be adopted toward bringing into full effect the desire of the Federal Government to maintain an attitude of strict parity with respect to both belligerent parties. The Imperial and Royal Government does not hesitate to answer also this question unqualifiedly in the affirmative.

It can not certainly have escaped the attention of the American Government, which has so eminently coöperated in the work of The Hague, that the meaning and essence of neutrality are in no way exhaustively dealt with in the fragmentary provisions of the pertinent treaties. If one takes into consideration particularly the genesis of Article 7 of the Fifth and Thirteenth Conventions, respectively, upon which the Federal Government clearly relies in the present case, and the wording of which, as is in no way to be denied, affords it a formal pretext for the toleration of traffic in munitions of war now being carried on by the United States, it is only necessary, in order to measure the true spirit and import of this provision, which moreover appears to have been departed from in the prevention of the delivery of vessels of war and in the prevention of certain deliveries to vessels of war of belligerent nations, to point out the fact that the detailed privileges conceded to neutral states in the sense of the preamble to the above-mentioned convention are limited by the requirements of neutrality which conform to the universally recognized principles of international law.

According to all authorities on international law who concern themselves more particularly with the question now under consideration, a neutral government may not permit traffic in contraband of war to be carried on without hindrance when this traffic assumes such a form or such dimensions that the neutrality of the nation becomes involved thereby.

If any one of the various criteria which have been laid down in science in this respect be used as a basis in determining the permissibility of commerce in contraband, one reaches the conclusion from each of these criteria that the exportation of war requisites from the United States, as is being carried on in the present war, is not to be brought into accord with the demands of neutrality.

The question now before us is surely not whether American industries which are engaged in the manufacture of war material should be protected from loss in the export trade that was theirs in time of peace. Rather has that industry soared to unimagined heights. In order to turn out the huge quantities of arms, ammunition, and other war ma-

terial of every description ordered in the past months by Great Britain and her allies from the United States, not only the full capacity of the existing plants but also their transformation and enlargement and the creation of new large plants, as well as a flocking of workmen of all trades into that branch of industry, in brief far-reaching changes of economic life encompassing the whole country, became necessary. From no quarter then can there come any question of the right of the American Government to prohibit through the issuance of an embargo that enormous exportation of war implements that is openly carried on and besides is commonly known to be availed of by only one of the parties to the war. If the Federal Government would exercise that power it possesses, it could not lay itself open to blame if, in order to keep within the requirements of the law of the land, it adopted the course of enacting a law. For while the principle obtains that a neutral state may not alter the rules in force within its province concerning its attitude toward belligerents while war is being waged, yet this principle, as clearly appears from the preamble to the Thirteenth Hague Convention, suffers an exception in the case "*où l'expérience acquise en démontrerait la nécessité pour la sauvegarde de ses droits.*" [Where experience has shown the necessity thereof for the protection of its rights.]

Moreover, this case is already established for the American Government through the fact that Austria-Hungary, as well as Germany, is cut off from all commercial intercourse with the United States of America without the existence of a legal prerequisite therefor—a legally constituted blockade.

In reply to the possible objection that, notwithstanding the willingness of American industry to furnish merchandise to Austria-Hungary and Germany as well as to Great Britain and her allies, it is not possible for the United States of America to trade with Austria-Hungary and Germany as the result of the war situation, it may be pointed out that the Federal Government is undoubtedly in a position to improve the situation described. It would be amply sufficient to confront the opponents of Austria-Hungary and Germany with the possibility of the prohibition of the exportation of foodstuffs and raw materials in case legitimate commerce in these articles between the Union and the two Central Powers should not be allowed. If the Washington Cabinet should find itself prepared for an action in this sense, it would not only be following the tradition always held in such high regard in the United States of contending for the freedom of legitimate maritime commerce, but would •



also earn the high merit of nullifying the wanton efforts of the enemies of Austria-Hungary and Germany to use hunger as an ally.

The Imperial and Royal Government may therefore, in the spirit of the excellent relations which have never ceased to exist between the Austro-Hungarian Monarchy and the United States of America, appeal to the Federal Government in sincere friendship, in view of the expositions here set forth, to subject its previously adopted standpoint in this so important question to a mature reconsideration. A revision of the attitude observed by the Government of the Union in the sense of the views advocated by the Imperial and Royal Government would, according to the convictions of the latter, be not only within the bounds of the rights and obligations of a neutral government, but also in close keeping with those principles dictated by true humanity and love of peace which the United States has ever written on its banner.

The undersigned has the honor to ask the good offices of His Excellency, the ambassador extraordinary and plenipotentiary of the United States of America, Mr. Frederic Courtland Penfield, to convey the foregoing by telegram to the attention of the Washington Cabinet; he avails himself, etc.

BURIÁN.

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*The German Minister for Foreign Affairs to Ambassador Gerard.*

FOREIGN OFFICE,  
*Berlin, July 8, 1915.*

The undersigned has the honor to make the following reply to the note of His Excellency, Mr. James W. Gerard, Ambassador of the United States of America, dated the 10th ultimo, Foreign Office No. 3814, on the subject of the impairment of American interests by the German submarine war:

The Imperial Government has learned with satisfaction from the note how earnestly the Government of the United States is concerned in seeing the principles of humanity realized in the present war. Also, this appeal meets with full sympathy in Germany, and the Imperial Government is quite willing to permit its statements and decisions in the case under consideration to be governed by the principles of humanity just as it has done always.

The Imperial Government welcomed it with gratitude when the

American Government in its note of May 15, 1915, itself recalled that Germany had always permitted itself to be governed by the principles of progress and humanity in dealing with the law of maritime war. Since the time when Frederick the Great negotiated with John Adams, Benjamin Franklin, and Thomas Jefferson the treaty of friendship and commerce of September 10, 1785, between Prussia and the Republic of the West, German and American statesmen have in fact always stood together in the struggle for the freedom of the seas and for the protection of peaceable trade. In the international proceedings which have since been conducted for the regulation of the right of maritime war Germany and America have jointly advocated progressive principles, especially the abolishment of the right of capture at sea and the protection of the interests of neutrals. Even at the beginning of the present war the German Government immediately declared its willingness, in response to the proposal of the American Government, to ratify the Declaration of London and thereby to subject itself, in the use of its naval forces, to all the restrictions provided therein in favor of neutrals. Germany has likewise been always tenacious of the principle that war should be conducted against the armed and organized forces of the enemy country, but that the civilian population of the enemy must be spared as far as possible from the measures of war. The Imperial Government cherishes the definite hope that some way will be found when peace is concluded, or perhaps earlier, to regulate the law of maritime war in a manner guaranteeing the freedom of the seas, and will welcome it with gratitude and satisfaction if it can work hand in hand with the American Government on that occasion.

If in the present war the principles which should be the ideal of the future have been traversed more and more the longer its duration, the German Government has no guilt therein.

It is known to the American Government how Germany's adversaries, by completely paralyzing peaceable traffic between Germany and the neutral countries, have aimed from the very beginning, and with increasing lack of consideration, at the destruction not so much of the armed forces as the life of the German nation, repudiating in so doing all the rules of international law and disregarding all the rights of neutrals. On November 3, 1914, England declared the North Sea to be a war area, and by planting poorly anchored mines and the stoppage and capture of vessels made passage extremely dangerous and difficult for neutral shipping, so that it is actually blockading neutral coasts and

ports, contrary to all international law. Long before the beginning of the submarine war England practically completely intercepted legitimate neutral navigation to Germany also. Thus Germany was driven to submarine war on trade. On November 16, 1914, the English Prime Minister declared in the House of Commons that it was one of England's principal tasks to prevent food for the German population from reaching Germany by way of neutral ports. Since March 1 of this year England has been taking from neutral ships, without further formality, all merchandise proceeding to Germany, as well as all merchandise coming from Germany, even when neutral property. Just as was the case with the Boers, the German people is now to be given the choice of perishing from starvation, with its women and children, or of relinquishing its independence.

While our enemies thus loudly and openly have proclaimed war without mercy until our utter destruction, we are conducting war in self-defense for our national existence and for the sake of peace of assured permanency. We have been obliged to adopt submarine warfare to meet the declared intentions of our enemies and the method of warfare adopted by them in contravention of international law.

With all its efforts in principle to protect neutral life and property from damage as much as possible, the German Government recognized unreservedly in its memorandum of February 4 that the interests of neutrals might suffer from submarine warfare. However, the American Government will also understand and appreciate that in the fight for existence which has been forced upon Germany by its adversaries and announced by them, it is the sacred duty of the Imperial Government to do all within its power to protect and to save the lives of German subjects. If the Imperial Government were derelict in these, its duties, it would be guilty before God and history of the violation of those principles of the highest humanity which are the foundation of every national existence.

The case of the *Lusitania* shows with horrible clearness to what jeopardizing of human lives the manner of conducting war employed by our adversaries leads. In most direct contradiction of international law, all distinctions between merchantmen and war vessels have been obliterated by the order to British merchantmen to arm themselves and to ram submarines and the promise of rewards therefor; and neutrals who use merchantmen as travelers have thereby been exposed in an increasing degree to all the dangers of war. If the commander of the German sub-

marine which destroyed the *Lusitania* had caused the crew and travelers to put out in boats before firing the torpedo this would have meant the sure destruction of his own vessel. After the experiences in the sinking of much smaller and less seaworthy vessels, it was to be expected that a mighty ship like the *Lusitania* would remain above water long enough, even after the torpedoing, to permit the passengers to enter the ship's boats. Circumstances of a very peculiar kind, especially the presence on board of large quantities of highly explosive materials, defeated this expectation. In addition, it may be pointed out that if the *Lusitania* had been spared thousands of cases of ammunition would have been sent to Germany's enemies and thereby thousands of German mothers and children robbed of their supporters.

In the spirit of friendship with which the German nation has been imbued toward the Union and its inhabitants since the earliest days of its existence, the Imperial Government will always be ready to do all it can, during the present war also, to prevent the jeopardizing of the lives of American citizens.

The Imperial Government therefore repeats the assurances that American ships will not be hindered in the prosecution of legitimate shipping, and the lives of American citizens on neutral vessels shall not be placed in jeopardy.

In order to exclude any unforeseen dangers to American passenger steamers, made possible in view of the conduct of maritime war on the part of Germany's adversaries, the German submarines will be instructed to permit the free and safe passage of such passenger steamers when made recognizable by special markings and notified a reasonable time in advance. The Imperial Government, however, confidently hopes that the American Government will assume the guarantee that these vessels have no contraband on board. The details of the arrangements for the unhampered passage of these vessels would have to be agreed upon by the naval authorities of both sides.

In order to furnish adequate facilities for travel across the Atlantic Ocean for American citizens, the German Government submits for consideration a proposal to increase the number of available steamers by installing in the passenger service a reasonable number of neutral steamers, the exact number to be agreed upon, under the American flag under the same conditions as the American steamers above mentioned.

The Imperial Government believes that it can assume that in this manner adequate facilities for travel across the Atlantic Ocean can be

afforded American citizens. There would therefore appear to be no compelling necessity for American citizens to travel to Europe in time of war on ships carrying an enemy flag. In particular the Imperial Government is unable to admit that American citizens can protect an enemy ship through the mere fact of their presence on board. Germany merely followed England's example when it declared part of the high seas an area of war. Consequently accidents suffered by neutrals on enemy ships in this area of war can not well be judged differently from accidents to which neutrals are at all times exposed at the seat of war on land when they betake themselves into dangerous localities in spite of previous warning.

If, however, it should not be possible for the American Government to acquire an adequate number of neutral passenger steamers, the Imperial Government is prepared to interpose no objections to the placing under the American flag by the American Government of four enemy passenger steamers for the passenger traffic between America and England. The assurances of "free and safe" passage for American passenger steamers would then be extended to apply under the identical pre-conditions to these formerly hostile passenger ships.

The President of the United States has declared his readiness, in a way deserving of thanks, to communicate and suggest proposals to the Government of Great Britain with particular reference to the alteration of maritime war. The Imperial Government will always be glad to make use of the good offices of the President, and hopes that his efforts in the present case, as well as in the direction of the lofty ideal of the freedom of the seas, will lead to an understanding.

The undersigned requests the Ambassador to bring the above to the knowledge of the American Government, and avails himself of the opportunity to renew to His Excellency the assurance of his most distinguished consideration.

VON JAGOW.

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*The Secretary of State to Ambassador W. H. Page.*

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,  
Washington, July 14, 1915.

In view of differences which are understood to exist between the two Governments as to the principles of law applicable in prize court pro-

ceedings in cases involving American interests, and in order to avoid any misunderstanding as to the attitude of the United States in regard to such proceedings, you are instructed to inform the British Government that in so far as the interests of American citizens are concerned the Government of the United States will insist upon their rights under the principles and rules of international law as hitherto established, governing neutral trade in time of war, without limitation or impairment by Orders in Council or other municipal legislation by the British Government, and will not recognize the validity of prize court proceedings taken under restraints imposed by British municipal law in derogation of the rights of American citizens under international law.

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*The Secretary of State to Ambassador W. H. Page.*

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,  
*Washington, July 15, 1915.*

Ambassador Page is informed that it has been brought to the attention of the Department that the steamship *Neches*, of American register, sailing from Rotterdam for the United States, carrying a general cargo, after being detained at the Downs, was brought to London, where it was required by the British authorities to discharge cargo, the property of American citizens.

It appears that the ground advanced to sustain this action is that the goods originated, in part at least, in Belgium, and fall, therefore, within the provisions of paragraph 4 of the Order in Council of March 11, which stipulates that every merchant vessel sailing from a port other than a German port, carrying goods of enemy origin, may be required to discharge such goods in a British or allied port.

Ambassador Page is instructed in this case to reiterate the position of the Government of the United States as set forth in the Department's instruction of March 30, 1915, with respect to the Order in Council mentioned, the international invalidity of which the Government of the United States regards as plainly illustrated by the present instance of the seizure of American-owned goods passing from the neutral port of Rotterdam to a neutral port of the United States merely because the

goods came originally from territory in the possession of an enemy of Great Britain.

Mr. Page is also instructed to inform the Foreign Office that the legality of this seizure can not be admitted and that in the view of the Government of the United States it violates the right of the citizens of one neutral to trade with those of another, as well as with those of belligerents except in contraband, or in violation of a legal blockade of an enemy seaport; and that the rights of American owners of goods to bring them out of Holland, in due course, in neutral ships must be insisted upon by the United States, even though such goods may have come originally from the territories of enemies of Great Britain. He is directed further to insist upon the desire of this Government that goods taken from the *Neches*, which are the property of American citizens, should be expeditiously released to be forwarded to their destination, and to request that he be advised of the British Government's intended course in this matter at the earliest moment convenient to that Government.

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*The Secretary of State to Ambassador Gerard.*

[Telegram.]

DEPARTMENT OF STATE,  
Washington, July 21, 1915.

You are instructed to deliver textually the following note to the Minister for Foreign Affairs:

The note of the Imperial German Government, dated the 8th of July, 1915, has received the careful consideration of the Government of the United States, and it regrets to be obliged to say that it has found it very unsatisfactory, because it fails to meet the real differences between the two Governments and indicates no way in which the accepted principles of law and humanity may be applied in the grave matter in controversy, but proposes, on the contrary, arrangements for a partial suspension of those principles which virtually set them aside.

The Government of the United States notes with satisfaction that the Imperial German Government recognizes without reservation the validity of the principles insisted on in the several communications which this Government has addressed to the Imperial German Government with regard to its announcement of a war zone and the use of submarines against merchantmen on the high seas—the principle that the high seas are free, that the character and cargo of a merchantman must first be ascertained before she can lawfully be seized or destroyed, and that the lives of non-combatants may in no case be put in jeopardy unless the vessel resists or seeks to

escape after being summoned to submit to examination; for a belligerent act of retaliation is *per se* an act beyond the law, and the defense of an act as retaliatory is an admission that it is illegal.

The Government of the United States is, however, keenly disappointed to find that the Imperial German Government regards itself as in large degree exempt from the obligation to observe these principles, even where neutral vessels are concerned, by what it believes the policy and practice of the Government of Great Britain to be in the present war with regard to neutral commerce. The Imperial German Government will readily understand that the Government of the United States can not discuss the policy of the Government of Great Britain with regard to neutral trade except with that Government itself, and that it must regard the conduct of other belligerent governments as irrelevant to any discussion with the Imperial German Government of what this Government regards as grave and unjustifiable violations of the rights of American citizens by German naval commanders. Illegal and inhuman acts, however justifiable they may be thought to be against an enemy who is believed to have acted in contravention of law and humanity, are manifestly indefensible when they deprive neutrals of their acknowledged rights, particularly when they violate the right to life itself. If a belligerent can not retaliate against an enemy without injuring the lives of neutrals, as well as their property, humanity, as well as justice and a due regard for the dignity of neutral powers, should dictate that the practice be discontinued. If persisted in it would in such circumstances constitute an unpardonable offense against the sovereignty of the neutral nation affected. The Government of the United States is not unmindful of the extraordinary conditions created by this war or of the radical alterations of circumstance and method of attack produced by the use of instrumentalities of naval warfare which the nations of the world can not have had in view when the existing rules of international law were formulated, and it is ready to make every reasonable allowance for these novel and unexpected aspects of war at sea; but it can not consent to abate any essential or fundamental right of its people because of a mere alteration of circumstance. The rights of neutrals in time of war are based upon principle, not upon expediency, and the principles are immutable. It is the duty and obligation of belligerents to find a way to adapt the new circumstances to them.

The events of the past two months have clearly indicated that it is possible and practicable to conduct such submarine operations as have characterized the activity of the Imperial German Navy within the so-called war zone in substantial accord with the accepted practices of regulated warfare. The whole world has looked with interest and increasing satisfaction at the demonstration of that possibility by German naval commanders. It is manifestly possible, therefore, to lift the whole practice of submarine attack above the criticism which it has aroused and remove the chief causes of offense.

In view of the admission of illegality made by the Imperial Government when it pleaded the right of retaliation in defense of its acts, and in view of the manifest possibility of conforming to the established rules of naval warfare, the Government of the United States can not believe that the Imperial Government will longer refrain from disavowing the wanton act of its naval commander in sinking the *Lusitania* or from offering reparation for the American lives lost, so far as reparation can be made for a needless destruction of human life by an illegal act.



The Government of the United States, while not indifferent to the friendly spirit in which it is made, can not accept the suggestion of the Imperial German Government that certain vessels be designated and agreed upon which shall be free on the seas now illegally proscribed. The very agreement would, by implication, subject other vessels to illegal attack and would be a curtailment and therefore an abandonment of the principles for which this Government contends and which in times of calmer counsels every nation would concede as of course.

The Government of the United States and the Imperial German Government are contending for the same great object, have long stood together in urging the very principles, upon which the Government of the United States now so solemnly insists. They are both contending for the freedom of the seas. The Government of the United States will continue to contend for that freedom, from whatever quarter violated, without compromise and at any cost. It invites the practical cooperation of the Imperial German Government at this time when cooperation may accomplish most and this great common object be most strikingly and effectively achieved.

The Imperial German Government expresses the hope that this object may be in some measure accomplished even before the present war ends. It can be. The Government of the United States not only feels obliged to insist upon it, by whomsoever violated or ignored, in the protection of its own citizens, but is also deeply interested in seeing it made practicable between the belligerents themselves, and holds itself ready at any time to act as the common friend who may be privileged to suggest a way.

In the meantime the very value which this Government sets upon the long and unbroken friendship between the people and Government of the United States and the people and Government of the German nation impels it to press very solemnly upon the Imperial German Government the necessity for a scrupulous observance of neutral rights in this critical matter. Friendship itself prompts it to say to the Imperial Government that repetition by the commanders of German naval vessels of acts in contravention of those rights must be regarded by the Government of the United States, when they affect American citizens, as deliberately unfriendly.

LANSING.

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*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
London, July 24, 1915.

Following note, dated July 23, received from Sir Edward Grey this morning:

On the 2d April Your Excellency handed to me a copy of a communication containing the criticisms of the United States Government on the measures we have been constrained to take on account of the menace to peaceful commerce resulting from the German submarine policy. This communication has received the most careful consideration of His Majesty's Government.

2. I fully appreciate the friendly spirit and the candour which are shown in the communication and, replying in the same spirit, I trust that I may be able to convince Your Excellency and also the administration at Washington that the measures we have announced are not only reasonable and necessary in themselves, but constitute no more than an adaptation of the old principles of blockade to the peculiar circumstances with which we are confronted.

3. I need scarcely dwell on the obligation incumbent upon the allies to take every step in their power to overcome their common enemy in view of the shocking violation of the recognized rules and principles of civilized warfare of which he has been guilty during the present struggle. Your Excellency's attention has already been drawn to some of these proceedings in the memorandum which I handed to you on the 19th February. Since that time Lord Bryce's report, based on evidence carefully sifted by legal experts, describing the atrocities committed in Belgium, the poisoning of wells in German Southwest Africa, the use of poisonous gases against the troops in Flanders, and finally the sinking of the *Lusitania* without any opportunity to passengers and noncombatants to save their lives, have shown how indispensable it is that we should leave unused no justifiable method of defending ourselves.

4. Your Excellency will remember that in my notes of the 13th and 15th March I explained that the allied Governments intended to meet the German attempt to stop all supplies of every kind from leaving or entering British or French ports by themselves intercepting goods going to or from Germany. I read the communication from Your Excellency's Government not as questioning the necessity for our taking all the steps open to us to cripple the enemy's trade, but as directed solely to the question of the legitimacy of the particular measures adopted.

5. In the various notes which I have received from Your Excellency the right of a belligerent to establish a blockade of the enemy ports is admitted a right which has obviously no value save in so far as it gives power to a belligerent to cut off sea-borne exports and imports of his enemy. The contention which I understand the United States Government now put forward is that if a belligerent is so circumstanced that his commerce can pass through adjacent neutral ports as easily as through ports in his own territory, his opponent has no right to interfere and must restrict his measures of blockade in such a manner as to leave such avenues of commerce still open to his adversary. This is a contention which His Majesty's Government feel unable to accept and which seems to them unsustainable either in point of law or upon principles of international equity. They are unable to admit that a belligerent violates any fundamental principle of international law by applying a blockade in such a way as to cut off the enemy's commerce with foreign countries through neutral ports if the circumstances render such an application of the principles of blockade the only means of making it effective. The Government of the United States indeed intimates its readiness to take into account "the great changes which have occurred in the conditions and means of naval warfare since the rules hitherto governing legal blockade were formulated," and recognizes that "the form of close blockade with its cordon of ships in the immediate offing of the blockaded ports is no longer practicable in the face of an enemy possessing the means and opportunity to make an effective defense by the use of submarines, mines, and aircraft."

6. The only question then which can arise in regard to the measures resorted to for the purpose of carrying out a blockade upon these extended lines is whether, to use

Your Excellency's words, they "conform to the spirit and principles of the essence of the rules of war"; and we shall be content to apply this test to the action which we have taken in so far as it has necessitated interference with neutral commerce.

7. It may be noted in this connection that at the time of the Civil War the United States found themselves under the necessity of declaring a blockade of some 3,000 miles of coast line, a military operation for which the number of vessels available was at first very small. It was vital to the cause of the United States in that great struggle that they should be able to cut off the trade of the Southern States. The Confederate Armies were dependent on supplies from over seas, and those supplies could not be obtained without exporting the cotton wherewith to pay for them. To cut off this trade the United States could only rely upon a blockade. The difficulties confronting the Federal Government were in part due to the fact that neighbouring neutral territory afforded convenient centres from which contraband could be introduced into the territory of their enemies and from which blockade running could be facilitated. Your Excellency will no doubt remember how, in order to meet this new difficulty, the old principles relating to contraband and blockade were developed and the doctrine of continuous voyage was applied and enforced under which goods destined for the enemy territory were intercepted before they reached the neutral ports from which they were to be reexported.

8. The difficulties which imposed upon the United States the necessity of reshaping some of the old rules are somewhat akin to those with which the allies are now faced in dealing with the trade of their enemy. Adjacent to Germany are various neutral countries which afford her convenient opportunities for carrying on her trade with foreign countries. Her own territories are covered by a network of railways and waterways, which enable her commerce to pass as conveniently through ports in such neutral countries as through her own. A blockade limited to enemy ports would leave open routes by which every kind of German commerce could pass almost as easily as through the ports in her own territory. Rotterdam is indeed the nearest outlet for some of the industrial districts of Germany.

9. As a counterpoise to the freedom with which one belligerent may send his commerce across a neutral country without compromising its neutrality, the other belligerent may fairly claim to intercept such commerce before it has reached, or after it has left, the neutral State, provided, of course, that he can establish that the commerce with which he interferes is the commerce of his enemy and not commerce which is bona fide destined for or proceeding from the neutral State. It seems, accordingly, that if it be recognized that a blockade is in certain cases the appropriate method of intercepting the trade of an enemy country, and if the blockade can only become effective by extending it to enemy commerce passing through neutral ports, such an extension is defensible and in accordance with principles which have met with general acceptance.

10. To the contention that such action is not directly supported by written authority, it may be replied that it is the business of writers on international law to formulate existing rules rather than to offer suggestions for their adaptation to altered circumstances, and Your Excellency will remember the unmeasured terms in which a group of prominent international lawyers of all nations condemned the doctrine which had been laid down by the Supreme Court of the United States in the case of the *Springbok*, a doctrine upheld by the Claims Commission at Washington in 1873.

But the United States and the British Governments took a broader view and looked below the surface at the underlying principles, and the Government of this country, whose nationals were the sufferers by the extension and development of the old methods of blockade made by the United States during the Civil War, abstained from all protest against the decisions by which the ships and their cargoes were condemned.

11. What is really important in the general interest is that adaptations of the old rules should not be made unless they are consistent with the general principles upon which an admitted belligerent right is based. It is also essential that all unnecessary injury to neutrals should be avoided. With these conditions it may be safely affirmed that the steps we are taking to intercept commodities on their way to and from Germany fully comply. We are interfering with no goods with which we should not be entitled to interfere by blockade if the geographical position and the conditions of Germany at present were such that her commerce passed through her own ports. We are taking the utmost possible care not to interfere with commerce genuinely destined for or proceeding from neutral countries. Furthermore, we have tempered the severity with which our measures might press upon neutrals by not applying the rule which was invariable in the old form of blockade that ships and goods on their way to or from the blockaded area are liable to condemnation.

12. The communication made by the United States Embassy on the 2d April describes as a novel and quite unprecedented feature of the blockade that it embraces many neutral ports and coasts and has the effect of barring access to them. It does not appear that our measures can be properly so described. If we are successful in the efforts we are making to distinguish between the commerce of neutral and enemy countries there will be no substantial interference with the trade of neutral ports except in so far as they constitute ports of access to and exit from the enemy territory. There are at this moment many neutral ports which it would be mere affectation to regard as offering facilities only for the commerce of the neutral country in which they are situated, and the only commerce with which we propose to interfere is that of the enemy who seeks to make use of such ports for the purposes of transit to or from his own country.

13. One of the earlier passages in Your Excellency's memorandum was to the effect that the sovereignty of neutral nations in time of war suffers no diminution except in so far as the practice and consent of civilized nations has limited it "by the recognition of certain now clearly determined rights," which it is considered may be exercised by nations at war; and these it defines as the right of capture and condemnation for unneutral service for the carriage of contraband and for breach of blockade. I may, however, be permitted to point out that the practice of nations on each of the three subjects mentioned has not at any time been uniform or clearly determined, nor has the practice of any maritime nation always been consistent.

14. There are various particulars in which the exact method of carrying a blockade into effect has from time to time varied. The need of a public notification, the requisite standard of effectiveness, the locality of the blockading squadrons, the right of the individual ship to a preliminary warning that the blockade is in force, and the penalty to be inflicted on a captured blockade runner are all subjects on which different views have prevailed in different countries and in which the practice of particular countries has been altered from time to time. The one principle which is fundamental

and has obtained universal recognition is that by means of blockade a belligerent is entitled to cut off by effective means the sea-borne commerce of his enemy.

15. It is the same with contraband. The underlying principle is well established, but as to the details there has been a wide variety of view. As for unneutral service—the very term is of such recent introduction that many writers of repute on international law do not even mention it. It is impossible in the view of His Majesty's Government in these circumstances to maintain that the right of a belligerent to intercept the commerce of his enemy is limited in the way suggested in Your Excellency's communication.

16. There are certain subsidiary matters dealt with in Your Excellency's communication to which I think it well to refer. Amongst these may be mentioned your citation of the Declaration of Paris, due no doubt to the words which occur in the memorandum sent by me to Your Excellency on the 1st March, wherein it was stated that the allied Governments would hold themselves free to detain and take into port ships carrying goods of presumed enemy destination, ownership, or origin, and to our announcement that vessels might be required to discharge goods of enemy ownership as well as those of enemy origin or destination.

17. It is not necessary to discuss the extent to which the second rule of the Declaration of Paris is affected by these measures or whether it could be held to apply at all as between Great Britain and the United States. In actual practice, however, we are not detaining goods on the sole ground that they are the property of an enemy. The purpose of the measures we are taking is to intercept commerce on its way from and to the enemy country. There are many cases in which proof that the goods were enemy property would afford strong evidence that they were of enemy origin or enemy destination, and it is only in such cases that we are detaining them. Where proof of enemy ownership would afford no evidence of such origin or destination we are not in practice detaining the goods.

18. His Majesty's Government have been gratified to observe that the measures which they are enforcing have had no detrimental effect on the commerce of the United States. Figures of recent months show that the increased opportunities afforded by the war for American commerce have more than compensated for the loss of the German and Austrian markets.

19. I trust that in the light of the above explanations it will be realized that the measures to which we have resorted have been not only justified by the exigencies of the case, but can be defended as in accordance with general principles which have commended themselves to the Governments of both countries. I am glad to be able to assure Your Excellency that we shall continue to apply these measures with every desire to occasion the least possible amount of inconvenience to persons engaged in legitimate commerce.

I have, etc.,

E. GREY.

PAGE.

*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
London, July 31, 1915.

Your 1852, 15th.

Sir Edward Grey has to-day sent me the following note:

The note which Your Excellency addressed to me on the 17th instant respecting the detention of the cargo of the steamship *Neches* has, I need hardly say, received the careful attention of His Majesty's Government.

The note which I had the honour to send to Your Excellency on the 23d instant has already explained the view of His Majesty's Government on the legal aspect of the question, though it was prepared before Your Excellency's communication of the 17th had been received, and pending consideration by the Government of the United States of the views and arguments set forth in the British note of the 23d it is unnecessary for me to say more on the question of right or of law.

There is, however, one general observation that seems relevant to the note from Your Excellency respecting the cargo of the *Neches*.

It is the practice of the German Government in the waters through which the *Neches* was passing to sink neutral as well as British merchant vessels irrespective of the destination of the vessel or origin of the cargo, and without proper regard or provision for the safety of passengers or crews, many of whom have lost their lives in consequence. There can be no question that this action is contrary to the recognized and settled rules of international law as well as to the principles of humanity.

His Majesty's Government, on the other hand, have adhered to the rules of visit and search, and have observed the obligation to bring into port and submit to a prize court any ships or cargoes with regard to which they think they have a good case for detention or for condemnation as contraband.

His Majesty's Government are not aware, except from the published correspondence between the United States and Germany, to what extent reparation has been claimed from Germany by neutrals for loss of ships, lives, and cargoes, nor how far these acts have been the subject even of protest by the neutral Governments concerned.

While these acts of the German Government continue it seems neither reasonable nor just that His Majesty's Government should be pressed to abandon the rights claimed in the British note of the 23d, and to allow goods from Germany to pass freely through waters effectively patrolled by British ships of war.

If, however, it be alleged that in particular cases and special circumstances hardship may be inflicted on citizens of neutral countries, His Majesty's Government are ready in such cases to examine the facts in a spirit of consideration for the interest of neutrals, and in this spirit they are prepared to deal with the cargo of the *Neches*, to which Your Excellency has called attention, if it is held that the particular circumstances of this case fall within this category.

PAGE.

*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
*London, July 31, 1915.*

Your 1848, July 14, 5 p. m. I have to-day received the following note from Sir Edward Grey:

FOREIGN OFFICE, *July 31, 1915.*

YOUR EXCELLENCY:

1. I have the honour to acknowledge the receipt of the note dated the 16th instant in which you were good enough to communicate to me for the information of His Majesty's Government, the opinion held by the Government of the United States, that in view of differences which they understand to exist between the two countries as to the principles of law applicable in cases before the prize court, they could not recognize the validity of proceedings taken in His Majesty's prize court in derogation of the rights of citizens of the United States.

2. I do not understand to what divergence of views as to the principles of law applicable in cases before the prize court the Government of the United States refer, for I am not aware of any differences existing between the two countries as to the principles of law applicable in cases before such courts.

3. British prize courts, "According to the ancient form of commission under which they sit, are to determine cases which come before them according to the course of admiralty and the law of nations and the statutes, rules, and regulations for the time being in force in that behalf."

As to the principles applied by the American prize courts, I note that in the case of the *Amy Warwick* (2 Sprague, 123), it was held that prize courts are subject to the instructions of their own sovereign. In the absence of such instructions their jurisdiction and rules of decision are to be ascertained by reference to the known powers of such tribunals and the principles by which they are governed under the public law and the practice of nations. It would appear, therefore, that the principles applied by the prize courts of the two countries are identical.

4. As illustrating further the attitude adopted by the judges of British prize courts toward these two sources of law, the municipal legislation of its Sovereign on the one hand and the principles of International Law on the other, I should like to refer Your Excellency to a classical passage in the judgment of Lord Stowell, in the case of the *Fox*, in which that famous judge observed in the course of the discussion: "A question has been stated, what would be the duty of the court under Orders in Council, that were repugnant to the Law of Nations? It has been contended on one side that the court would at all events be bound to enforce the Orders in Council, on the other that the court would be bound to apply the rule of the law of nations adapted to the particular case, in disregard of the Orders in Council. This court is bound to administer the law of nations to the subjects of other countries in the different relations in which they may be placed toward this country and its Government. That is what others have a right to demand for their subjects and to complain if they receive it not. This is its unwritten law evidenced in the course of its decisions and collected

from the common usage of civilized states. At the same time it is strictly true that by the Constitution of this country the King in Council possesses legislative rights over this court and has power to issue orders and instructions which it is bound to obey and enforce; and these constitute the written law of this court. These two propositions, that the court is bound to administer the law of nations, and that it is bound to enforce the King's Orders in Council, are not at all inconsistent with each other, because these orders and instructions are presumed to conform themselves, under the given circumstances, to the principles of its unwritten law. They are either directory applications of those principles to the cases indicated in them—cases which, with all the facts and circumstances belonging to them, and which constitute their legal character could be but imperfectly known to the court itself: or they are positive regulations, consistent with these principles, applying to matters which require more exact and definite rules than those general principles are capable of furnishing. The constitution of this court, relatively to the legislative power of the King in Council, is analogous to that of the courts of common law relatively to that of the Parliament of this Kingdom. These courts have their unwritten law, the approved reasons, principles of natural reason and justice—they have likewise the written or statute law in acts of Parliament, which are directory applications of the same principles to particular subjects, or positive regulations consistent with them, upon matters which would remain too much at large if they were left to the imperfect information which the courts could extract from mere general speculations. What would be the duty of the individuals who preside in these courts, if required to enforce an act of Parliament which contradicted those principles, is a question which I presume they would not entertain *a priori*; because they will not entertain *a priori*, the supposition that any such will arise. In like manner this court will not let itself loose into speculations as to what would be its duty under such an emergency; because it can not, without extreme indecency, presume that any such emergency will happen. And it is the less disposed to entertain them because its own observation and experience attest the general conformity of such orders and instructions to its principles of unwritten law."

5. The above passage has recently been quoted and adopted by the president of the prize court in the case of the *Zamora*, in which Sir S. Evans said: "I make bold to express the hope and belief that the nations of the world need not be apprehensive that Orders in Council will emanate from the Government of this country in such violation of the acknowledged laws of nations that it is conceivable that our prize tribunals, holding the law of nations in reverence, would feel called upon to disregard and refuse obedience to the provisions of such orders."

6. In the note which I handed to Your Excellency on the 23d July, I endeavoured to convince the Government of the United States, and I trust with success, that the measures that we have felt ourselves compelled to adopt, in consequence of the numerous acts committed by our enemies in violation of the laws of war and the dictates of humanity, are consistent with the principles of international law. The legality of these measures has not yet formed the subject of a decision of the prize court; but I wish to take this opportunity of reminding Your Excellency that it is open to any United States citizen whose claim is before the prize court to contend that any Order in Council which may affect his claim is inconsistent with the principles of international law and is, therefore, not binding upon the court. If the prize court declines to accept his contentions, and if, after such a decision has been upheld on



appeal by the Judicial Committee of His Majesty's Privy Council, the Government of the United States of America considers that there is serious ground for holding that the decision is incorrect and infringes the rights of their citizens, it is open to them to claim that it should be subjected to review by an international tribunal.

7. This principle that the decisions of the national prize courts may properly be subjected to international review was conceded by Great Britain in Article 7 of the Jay Treaty of 1793 and by the United States of America under the Treaty of Washington of 1871. Your Excellency will no doubt remember that certain cases (collectively known as the "Matamoros cases") were submitted to the commission established under Articles 12-17 of the Treaty of Washington. In each of these cases proceedings in prize had been instituted in the prize courts of the United States, and in each case the judgment of the Supreme Court, the court of last resort, in cases of prize had been obtained, the United States filed a demurrer in these cases, alleging that as they had been heard by the prize courts of the United States of original and appellate jurisdiction, the decision of the appellate court was final and no claim based upon it could be made before the commission. The demurrer was unanimously overruled and the cases heard, and the agent of the United States, in his report of the proceedings of the commission, stated that he personally "maintained no doubt of the jurisdiction of the commission as an international tribunal to review the decisions of the prize courts of the United States, where the parties alleging themselves aggrieved had prosecuted their claims by appeals to the court of last resort, as this jurisdiction, however, had been sometimes questioned, he deemed it desirable that a formal adjudication by the commission should be had upon this question."

8. The same principle was accepted both by the United States Government and His Majesty's Government in 1907 in connection with the proposed establishment of an international prize court, although certain constitutional difficulties have led the United States Government to propose that the right of recourse to the international prize court in connection with a decision of the Supreme Court of the United States should take the form of a direct claim for compensation.

9. It is clear, therefore, that both the United States Government and His Majesty's Government have adopted the principle that the decisions of a national prize court may be open to review if it is held in the prize court and in the Judicial Committee of the Privy Council on appeal that the orders and instructions issued by His Majesty's Government in matters relating to prize are in harmony with the principles of international law; and should the Government of the United States, unfortunately, feel compelled to maintain a contrary view, His Majesty's Government will be prepared to concert with the United States Government in order to decide upon the best way of applying the above principle to the situation which would then have arisen. I trust, however, that the defense of our action, which I have already communicated to Your Excellency, and the willingness of His Majesty's Government (which has been shown in so many instances) to make reasonable concessions to American interests, will prevent the necessity for such action arising.

10. In any case, I trust that the explanations given above will remove the misapprehension under which I can not but feel the Government of the United States are labouring as to the principles applied by British prize courts in dealing with the cases which come before them.

I have, etc.,

E. GREY.  
PAGE.

*The Secretary of State to Ambassador Penfield.*

[Telegram.]

No. 846.]

DEPARTMENT OF STATE,  
*Washington, August 12, 1915.*

Please present a note to the Royal Foreign Office in reply to its note of June 29, in the following sense:

The Government of the United States has given careful consideration to the statement of the Imperial and Royal Government in regard to the exportation of arms and ammunition from the United States to the countries at war with Austria-Hungary and Germany. The Government of the United States notes with satisfaction the recognition by the Imperial and Royal Government of the undoubted fact that its attitude with regard to the exportation of arms and ammunition from the United States is prompted by its intention to "maintain the strictest neutrality and to conform to the letter of the provisions of international treaties," but is surprised to find the Imperial and Royal Government implying that the observance of the strict principles of the law under the conditions which have developed in the present war is insufficient, and asserting that this Government should go beyond the long recognized rules governing such traffic by neutrals and adopt measures to "maintain an attitude of strict parity with respect to both belligerent parties."

To this assertion of an obligation to change or modify the rules of international usage on account of special conditions the Government of the United States can not accede. The recognition of an obligation of this sort, unknown to the international practice of the past, would impose upon every neutral nation a duty to sit in judgment on the progress of a war and to restrict its commercial intercourse with a belligerent whose naval successes prevented the neutral from trade with the enemy. The contention of the Imperial and Royal Government appears to be that the advantages gained to a belligerent by its superiority on the sea should be equalized by the neutral powers by the establishment of a system of nonintercourse with the victor. The Imperial and Royal Government confines its comments to arms and ammunition, but, if the principle for which it contends is sound, it should apply with equal force to all articles of contraband. A belligerent controlling the high seas might possess an ample supply of arms and ammunition but be in want of food and clothing. On the novel principle

that equalization is a neutral duty, neutral nations would be obligated to place an embargo on such articles because one of the belligerents could not obtain them through commercial intercourse.

But, if this principle, so strongly urged by the Imperial and Royal Government, should be admitted to obtain by reason of the superiority of a belligerent at sea, ought it not to operate equally as to a belligerent superior on land? Applying this theory of equalization, a belligerent who lacks the necessary munitions to contend successfully on land ought to be permitted to purchase them from neutrals, while a belligerent with an abundance of war stores or with the power to produce them should be debarred from such traffic.

Manifestly the idea of strict neutrality now advanced by the Imperial and Royal Government would involve a neutral nation in a mass of perplexities which would obscure the whole field of international obligation, produce economic confusion, and deprive all commerce and industry of legitimate fields of enterprise, already heavily burdened by the unavoidable restrictions of war.

In this connection it is pertinent to direct the attention of the Imperial and Royal Government to the fact that Austria-Hungary and Germany, particularly the latter, have during the years preceding the present European war produced a great surplus of arms and ammunition, which they sold throughout the world and especially to belligerents. Never during that period did either of them suggest or apply the principle now advocated by the Imperial and Royal Government.

During the Boer War between Great Britain and the South African Republics the patrol of the coasts of neighboring neutral colonies by British naval vessels prevented arms and ammunitions reaching the Transvaal or the Orange Free State. The allied Republics were in a situation almost identical in that respect with that in which Austria-Hungary and Germany find themselves at the present time. Yet, in spite of the commercial isolation of one belligerent, Germany sold to Great Britain, the other belligerent, hundreds of thousands of kilos of explosives, gunpowder, cartridges, shot, and weapons; and it is known that Austria-Hungary also sold similar munitions to the same purchaser, though in smaller quantities. While, as compared with the present war, the quantities sold were small (a table of the sales is appended), the principle of neutrality involved was the same. If at that time Austria-Hungary and her present ally had refused to sell arms and ammunition to Great Britain on the ground that to do so would violate the spirit of

strict neutrality, the Imperial and Royal Government might with greater consistency and greater force urge its present contention.

It might be further pointed out that during the Crimean War large quantities of arms and military stores were furnished to Russia by Prussian manufacturers; that during the recent war between Turkey and Italy, as this Government is advised, arms and ammunition were furnished to the Ottoman Government by Germany; and that during the Balkan wars the belligerents were supplied with munitions by both Austria-Hungary and Germany. While these latter cases are not analogous, as is the case of the South African War, to the situation of Austria-Hungary and Germany in the present war, they nevertheless clearly indicate the long-established practice of the two Empires in the matter of trade in war supplies.

In view of the foregoing statements, this Government is reluctant to believe that the Imperial and Royal Government will ascribe to the United States a lack of impartial neutrality in continuing its legitimate trade in all kinds of supplies used to render the armed forces of a belligerent efficient, even though the circumstances of the present war prevent Austria-Hungary from obtaining such supplies from the markets of the United States, which have been and remain, so far as the action and policy of this Government are concerned, open to all belligerents alike.

But, in addition to the question of principle, there is a practical and substantial reason why the Government of the United States has from the foundation of the Republic to the present time advocated and practiced unrestricted trade in arms and military supplies. It has never been the policy of this country to maintain in time of peace a large military establishment or stores of arms and ammunition sufficient to repel invasion by a well equipped and powerful enemy. It has desired to remain at peace with all nations and to avoid any appearance of menacing such peace by the threat of its armies and navies. In consequence of this standing policy the United States would, in the event of attack by a foreign power, be at the outset of the war seriously, if not fatally, embarrassed by the lack of arms and ammunition and by the means to produce them in sufficient quantities to supply the requirements of national defense. The United States has always depended upon the right and power to purchase arms and ammunition from neutral nations in case of foreign attack. This right, which it claims for itself, it can not deny to others.

A nation whose principle and policy it is to rely upon international

obligations and international justice to preserve its political and territorial integrity might become the prey of an aggressive nation whose policy and practice it is to increase its military strength during times of peace with the design of conquest, unless the nation attacked can, after war had been declared, go into the markets of the world and purchase the means to defend itself against the aggressor.

The general adoption by the nations of the world of the theory that neutral powers ought to prohibit the sale of arms and ammunition to belligerents would compel every nation to have in readiness at all times sufficient munitions of war to meet any emergency which might arise and to erect and maintain establishments for the manufacture of arms and ammunition sufficient to supply the needs of its military and naval forces throughout the progress of a war. Manifestly the application of this theory would result in every nation becoming an armed camp, ready to resist aggression and tempted to employ force in asserting its rights rather than appeal to reason and justice for the settlement of international disputes.

Perceiving, as it does, that the adoption of the principle that it is the duty of a neutral to prohibit the sale of arms and ammunition to a belligerent during the progress of a war would inevitably give the advantage to the belligerent which had encouraged the manufacture of munitions in time of peace and which had laid in vast stores of arms and ammunition in anticipation of war, the Government of the United States is convinced that the adoption of the theory would force militarism on the world and work against that universal peace which is the desire and purpose of all nations which exalt justice and righteousness in their relations with one another.

The Government of the United States in the foregoing discussion of the practical reason why it has advocated and practiced trade in munitions of war, wishes to be understood as speaking with no thought of expressing or implying any judgment with regard to the circumstances of the present war, but as merely putting very frankly the argument in this matter which has been conclusive in determining the policy of the United States.

While the practice of nations, so well illustrated by the practice of Austria-Hungary and Germany during the South African War, and the manifest evil which would result from a change of that practice render compliance with the suggestions of the Imperial and Royal Government out of the question, certain assertions appearing in the Austro-Hungarian

statement as grounds for its contentions can not be passed over without comment. These assertions are substantially as follows: (1) That the exportation of arms and ammunition from the United States to belligerents contravenes the preamble of The Hague Convention No. 13 of 1907; (2) that it is inconsistent with the refusal of this Government to allow delivery of supplies to vessels of war on the high seas; (3) that, "according to all authorities on international law who concern themselves more properly with the question," exportation should be prevented "when this traffic assumes such a form or such dimensions that the neutrality of a nation becomes involved thereby."

As to the assertion that the exportation of arms and ammunition contravenes the preamble of The Hague Convention No. 13 of 1907, this Government presumes that reference is made to the last paragraph of the preamble, which is as follows: "Seeing that, in this category of ideas, these rules should not, in principle, be altered, in the course of the war, by a neutral power, except in a case where experience has shown the necessity for such change for the protection of the rights of that power."

Manifestly the only ground to change the rules laid down by the Convention, one of which, it should be noted, explicitly declares that a neutral is not bound to prohibit the exportation of contraband of war, is the necessity of a neutral power to do so in order to protect its own rights. The right and duty to determine when this necessity exists rests with the neutral, not with a belligerent. It is discretionary, not mandatory. If a neutral power does not avail itself of the right, a belligerent is not privileged to complain, for in doing so it would be in the position of declaring to the neutral power what is necessary to protect that power's own rights. The Imperial and Royal Government can not but perceive that a complaint of this nature would invite just rebuke.

With reference to the asserted inconsistency of the course adopted by this Government in relation to the exportation of arms and ammunition and that followed in not allowing supplies to be taken from its ports to ships of war on the high seas, it is only necessary to point out that the prohibition of supplies to ships of war rests upon the principle that a neutral power must not permit its territory to become a naval base for either belligerent. A warship may, under certain restrictions, obtain fuel and supplies in a neutral port once in three months. To permit merchant vessels acting as tenders to carry supplies more often than three

months and in unlimited amount would defeat the purpose of the rule and might constitute the neutral territory a naval base. Furthermore, this Government is unaware that any Austro-Hungarian ship of war has sought to obtain supplies from a port in the United States, either directly or indirectly. This subject has, however, already been discussed with the Imperial German Government, to which the position of this Government was fully set forth December 24, 1914.

In view of the positive assertion in the statement of the Imperial and Royal Government as to the unanimity of the opinions of text-writers as to the exportation of contraband being unneutral, this Government has caused a careful examination of the principal authorities on international law to be made. As a result of this examination it has come to the conclusion that the Imperial and Royal Government has been misled and has inadvertently made an erroneous assertion. Less than one-fifth of the authorities consulted advocate unreservedly the prohibition of the export of contraband. Several of those who constitute this minority admit that the practice of nations has been otherwise. It may not be inopportune to direct particular attention to the declaration of the German authority, Paul Einicke, who states that, at the beginning of a war, belligerents have never remonstrated against the enactment of prohibitions on trade in contraband, but adds "that such prohibitions may be considered as violations of neutrality, or at least as unfriendly acts, if they are enacted during a war with the purpose to close unexpectedly the sources of supply to a party which heretofore had relied on them."

The Government of the United States deems it unnecessary to extend further at the present time a consideration of the statement of the Austro-Hungarian Government. The principles of international law, the practice of nations, the national safety of the United States and other nations without great military and naval establishments, the prevention of increased armies and navies, the adoption of peaceful methods for the adjustment of international differences, and, finally, neutrality itself are opposed to the prohibition by a neutral nation of the exportation of arms, ammunition, or other munitions of war to belligerent powers during the progress of the war.

LANSING.

*Appendix.*

## GERMAN EXPORTS OF ARMS AND AMMUNITION TO GREAT BRITAIN.

| Articles.                                                            | Quantity, 100 kilos. |       |       |       |
|----------------------------------------------------------------------|----------------------|-------|-------|-------|
|                                                                      | 1899                 | 1900  | 1901  | 1902  |
| Explosives.....                                                      | 4,342                | 6,014 | 5,147 | 3,645 |
| Gunpowder.....                                                       | 28                   | 658   | 243   | 69    |
| Gun barrels.....                                                     | 12                   | 366   | 21    | 133   |
| Shot, of malleable iron, not polished, etc. . .                      | 30                   | 43    | 38    | ..... |
| Shot (further manufactured), polished,<br>etc., not lead coated..... |                      | 4     |       | ..... |
| Shot, nickeled or lead coated with copper<br>rings, etc.....         |                      | 3,018 | 176   | ..... |
| Weapons for war purposes.....                                        |                      |       | 18    | 2     |
| Cartridges with copper shells and percus-<br>sion caps.....          | 904                  | 1,595 | 866   | 982   |

## AUSTRO-HUNGARIAN EXPORTS OF ARMS AND AMMUNITION TO GREAT BRITAIN.

| Articles.                                              | Quantity, 100 kilos. |      |      |       |
|--------------------------------------------------------|----------------------|------|------|-------|
|                                                        | 1899                 | 1900 | 1901 | 1902  |
| Arms, exclusive of small arms.....                     | 190                  | 374  | 12   | ..... |
| Separate parts of arms.....                            | 1                    | 1    |      | ..... |
| Small arms.....                                        | 2                    | 3    | 80   | 5     |
| Ammunition and explosives under tariff<br>No. 346..... | 1                    | 7    | 16   | 51    |
| Other ammunition and explosives.....                   |                      |      | 4    | ..... |



## PART IV.

## CASE OF THE WILHELMINA.

*The Secretary of State to Ambassador W. H. Page.*

[Telegram.]

No. 1134.]

DEPARTMENT OF STATE,  
*Washington, February 15, 1915.*

The department notes that you have been informed by the British Government that the cargo of the American steamer *Wilhelmina* has been sent to prize court, but is not yet unloaded. The Government of the United States, of course, has no intention of interfering with the proper course of judicial procedure in the British prize courts, but deems it proper to bring to the attention of the British Government information which has been received in relation to the character and destination of the cargo and to point out certain considerations prompting the supposition that the seizure may not be justified.

This Government is informed that the W. L. Green Commission Company, an American corporation organized in 1891, which in the past has made extensive shipments of goods to Germany, is the sole owner of the cargo which consists entirely of foodstuffs consigned to the W. L. Green Commission Company, Hamburg, and that the Company's manager, now in Europe, has instructions to sell the cargo solely to the civilian population of Hamburg. A copy of the ship's manifest has been submitted to this Government, accompanied by a sworn statement from the Company's manager in which he represents that he was instructed to proceed to Germany to dispose of the cargo to private purchasers in that country, and not to any belligerent government nor armed forces of such government, nor to any agent of a belligerent government or of its armed forces.

According to well-established practice among nations, admitted, as this Government understands by the Government of Great Britain, the articles of which the *Wilhelmina's* cargo is said to consist, are subject

to seizure as contraband only in case they are destined for the use of a belligerent government or its armed forces. The Government of the United States understands that the British authorities consider the seizure of the cargo justified on the ground that a recent order of the Federal Council of Germany, promulgated after the vessel sailed, required the delivery of imported articles to the German Government. The owners of the cargo have represented to this Government that such a position is untenable. They point out that, by a provision of the order in question as originally announced, the regulations in relation to the seizure of food products are made inapplicable to such products imported after January thirty-one, nineteen fifteen. They further represent that the only articles shipped on the *Wilhelmina* which are embraced within the terms of these regulations are wheat and bran, which constitute about fifteen per centum of the cargo as compared with eighty-five per centum consisting of meats, vegetables, and fruits. The owners also assert that the regulations contemplate the disposition of foodstuffs to individuals through municipalities; that municipalities are not agents of the Government, and that the purpose of the regulations is to conserve the supply of food products and to prevent speculation and inflation of prices to noncombatants.

The German Government has addressed a formal communication to the Government of the United States in relation to the effect of the decree issued by the German Federal Council, and this Government deems it pertinent to call to the attention of the British Government a material portion of this communication, which is as follows:

"1. The Federal Council's decision concerning the seizure of food-products, which England alleges to be the cause of food products shipped to Germany being treated as contraband, bears exclusively on wheat, rye, both unmixed and mixed with other products, and also wheat, rye, oats, and barley flour.

"2. The Federal Council makes an express exception in section forty-five of the order. Section forty-five provides as follows: The stipulations of this regulation do not apply to grain or flour imported from abroad after January thirty-one.

"3. Conjunctively with that saving clause the Federal Council's order contains a provision under which imported cereals and flours would be sold exclusively to the municipalities or certain specially designated organizations by the importers. Although that provision had for its object simply to throw imported grain and flours into such channels as supply

the private consumption of civilians and, in consequence of that provision, the intent and purpose of the Federal Council's order which was to protect the civilian population from speculators and engrossers were fully met, it was nevertheless rescinded so as to leave no room for doubt.

"4. My Government is amenable to any proposition looking to control by a special American organization under the supervision of the American Consular officers and, if necessary, will itself make a proposition in that direction.

"5. The German Government further calls attention to the fact that municipalities do not form part of or belong to the Government but are self-administrative bodies, which are elected by the inhabitants of the Commune in accordance with fixed rules and therefore exclusively represent the private part of the population and act as it directs. Although those principles are generally known and obtain in the United States as well as in England itself, the German Government desired to point out the fact so as to avoid any further unnecessary delay.

"6. Hence it is absolutely assured that imported food products will be consumed by the civilian population in Germany exclusively."

It will be observed that it is stated in this communication, which appears to confirm the contentions of the cargo owners, that a part of the order of the German Federal Council relating to imported food products has now been rescinded.

This Government has received another communication from the German Government giving formal assurance to the Government of the United States that all goods imported into Germany from the United States directly or indirectly, which belong to the class of relative contraband, such as foodstuffs, will not be used by the German army or navy or by Government authorities, but will be left to the free consumption of the German civilian population, excluding all Government purveyors.

If the British authorities have not in their possession evidence, other than that presented to this Government as to the character and destination of the cargo of the *Wilhelmina*, sufficient to warrant the seizure of this cargo, the Government of the United States hopes that the British Government will release the vessel together with her cargo and allow her to proceed to her port of destination.

Please communicate with the British Government in the sense of the foregoing.

BRYAN.

*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

No. 1672.]

AMERICAN EMBASSY,  
*London, February 19, 1915.*

Sir Edward Grey has just handed me the following memorandum. Since your telegram to him was given to the press in Washington I consented to his proposal to give this memorandum out for publication in Saturday morning's newspapers:

MEMORANDUM.

The communication made by the United States Ambassador in his note to Sir Edward Grey of the sixteenth instant has been carefully considered and the following observations are offered in reply:—

2. At the time when His Majesty's Government gave directions for the seizure of the cargo of the steamship *Wilhelmina* as contraband they had before them the text of the decree made by the German Federal Council on the twenty-fifth January, under Article forty-five of which all grain and flour imported into Germany after the thirty-first January was declared deliverable only to certain organizations under direct Government control or to municipal authorities. The vessel was bound for Hamburg, one of the free cities of the German Empire, the government of which is vested in the municipality. This was one of the reasons actuating His Majesty's Government in deciding to bring the cargo of the *Wilhelmina* before the prize court.

3. Information has only now reached them that by a subsequent decree, dated the sixth February, the above provision in Article forty-five of the previous decree was repealed, it would appear for the express purpose of rendering difficult the anticipated proceedings against the *Wilhelmina*. The repeal was not known to His Majesty's Government at the time of detention of the cargo, or indeed, until now.

4. How far the ostensible exception of imported supplies from the general Government monopoly of all grain and flour set up by the German Government may affect the question of the contraband nature of the shipment seized is a matter which will most suitably be investigated by the prize court.

5. It is, however, necessary to state that the German decree is not the only ground on which the submission of the cargo of the *Wilhelmina* to a prize court is justified. The German Government have in public announcements claimed to treat practically every town or port on the English east coast as a fortified place and base of operations. On the strength of this contention they have subjected to bombardment the open towns of Yarmouth, Scarborough, and Whitby, among others. On the same ground, a number of neutral vessels sailing for English ports on the east coast with cargoes of goods on the German list of conditional contraband have been seized by German cruisers and brought before the German prize court. Again, the Dutch vessel *Maria*, having sailed from California with a cargo of grain consigned to Dublin and Belfast, was sunk in September last by the German cruiser *Karlsruhe*. This could only have been justified if, among other things, the cargo could have been proved to be destined for the British Government or armed forces and if a pre-

sumption to this effect had been established owing to Dublin or Belfast being considered a fortified place or a base for the armed forces.

6. The German Government can not have it both ways. If they consider themselves justified in destroying by bombardment the lives and property of peaceful civil inhabitants of English open towns and watering places, and in seizing and sinking ships and cargoes of conditional contraband on the way thither, on the ground that they were consigned to a fortified place or base, "a fortiori" His Majesty's Government must be at liberty to treat Hamburg, which is in part protected by the fortifications at the mouth of the Elbe, as a fortified town, and a base of operations and supply for the purposes of Article thirty-four of the Declaration of London. If the owners of the cargo of the *Wilhelmina* desire to question the validity in international law of the action taken by order of His Majesty's Government they will have every opportunity of establishing their case in due course before the prize court, and His Majesty's Government would, in this connection, recall the attention of the United States Government to the considerations put forward in Sir Edward Grey's note to Mr. Page of the tenth instant as to the propriety of awaiting the result of prize court proceedings before diplomatic action is initiated. It will be remembered that they have from the outset given a definite assurance that the owners of the *Wilhelmina*, as well as the owners of her cargo, if found to be contraband would be equitably indemnified.

7. There is one further observation to which His Majesty's Government think it right, and appropriate in the present connection, to give expression. They have not, so far, declared foodstuffs to be absolute contraband. They have not interfered with any neutral vessels on account of their carrying foodstuffs, except on the basis of such foodstuffs being liable to capture if destined for the enemy forces or governments. In so acting they have been guided by the general principle, of late universally upheld by civilized nations, and observed in practice, that the civil populations of countries at war are not to be exposed to the treatment rightly reserved for combatants. This distinction has to all intents and purposes been swept away by the novel doctrines proclaimed and acted upon by the German Government.

8. It is unnecessary here to dwell upon the treatment that has been meted out to the civil population of Belgium, and those parts of France which are in German occupation. When Germany, long before any mines had been laid by British authorities, proceeded to sow mines upon the high seas, and, by this means, sunk a considerable number not only of British but also of neutral merchantmen with their unoffending crews, it was, so His Majesty's Government held, open to them to take retaliatory measures, even if such measures were of a kind to involve pressure of the civil population—not indeed of neutral states—but of their enemies. They refrained from doing so.

9. When, subsequently, English towns and defenseless British subjects, including women and children, were deliberately and systematically fired upon and killed by ships flying the flag of the Imperial German Navy, when quiet country towns and villages, void of defenses, and possessing no military or naval importance, were bombarded by German airships, His Majesty's Government still abstained from drawing the logical consequences from this form of attack on defenseless citizens. Further steps in the same direction are now announced, and in fact have already been taken, by Germany. British merchant vessels have been torpedoed at sight

without any attempt being made to give warning to the crew, or any opportunity being given to save their lives, a torpedo has been fired against a British hospital ship in daylight, and similar treatment is threatened to all British merchant vessels in future as well as to any neutral ships that may happen to be found in the neighborhood of the British Isles.

10. Faced with this situation, His Majesty's Government consider it would be altogether unreasonable that Great Britain and her allies should be expected to remain indefinitely bound, to their grave detriment, by rules and principles of which they recognize the justice if impartially observed as between belligerents, but which are at the present moment openly set at defiance by their enemy.

11. If, therefore, His Majesty's Government should hereafter feel constrained to declare foodstuffs absolute contraband, or to take other measures for interfering with German trade, by way of reprisals, they confidently expect that such action will not be challenged on the part of neutral states by appeals to laws and usages of war whose validity rests on their forming an integral part of that system of international doctrine which as a whole their enemy frankly boasts the liberty and intention to disregard, so long as such neutral states can not compel the German Government to abandon methods of warfare which have not in recent history been regarded as having the sanction of either law or humanity.

PAGE.

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*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

No. 1903.]

AMERICAN EMBASSY,  
London, April 8, 1915.

The Prime Minister has just handed me the following, which I have communicated to Hayes and Brooking, who strongly recommend its acceptance by their principals:

His Majesty's Government share the desire of the United States Government for an immediate settlement of the case of the *Wilhelmina*. This American ship laden with foodstuffs left New York for Hamburg on January 22nd. She called at Falmouth of her own accord on February 9th and her cargo was detained as prize on February 11th. The writ instituting prize court proceedings was issued on February 27th, and claimed that the cargo should be condemned as contraband of war. No proceedings were taken or even threatened against the ship herself, and in the ordinary course the cargo would have been unloaded when seized so that the ship would be free to leave. The owners of the cargo, however, have throughout objected to the discharge of the cargo and it is because of this objection that the ship is still at Falmouth with the cargo on board.

His Majesty's Government have formally undertaken that even should the condemnation of the cargo as contraband be secured in the prize court they would none

the less compensate the owners for any loss sustained in consequence of the ship having been stopped and proceedings taken against the cargo.

It was understood at the time that the proceedings in the prize court would be in the nature of a test case, the decision in which would govern the treatment of any subsequent shipments of food supplies to Germany in similar circumstances. Since then the situation has, however, materially changed by the issue of the Order in Council of March 11, 1915, and the measures taken thereunder which prevent further supplies being sent from America to Germany, whether contraband or not.

In these circumstances there is no longer any object in continuing the judicial proceedings in the case of the *Wilhelmina*; for it can no longer serve as a test case, and it is really agreed that the owners of the cargo, even if proved to have no claim, are to be treated as if their claim was good. Nothing therefore remains but to settle the claim on proper and just conditions, and this would, in the opinion of His Majesty's Government, be secured most expeditiously and with the least inconvenience to all parties by an agreement between the Crown and the claimants for the disposal of the whole matter. His Majesty's Government accordingly propose that such an agreement be arrived at on the following terms: "His Majesty's Government having undertaken to compensate the claimants by paying for the cargo seized on the basis of the loss of the profit the claimants would have made if the ship had proceeded in due course to Hamburg, and by indemnifying them for the delay caused to the ship so far as this delay has been due to the action of the British authorities, all proceedings in the prize court shall be stayed, on the understanding that His Majesty's Government buy the cargo from the claimants on the above terms. The cargo shall be discharged and delivered to the proper officer of the Crown forthwith. The sum to be paid shall be assessed by a single referee nominated jointly by the ambassador of the United States of America and His Majesty's principal secretary of state for foreign affairs, who shall certify the total amount after making such inquiries as he may think fit, but without formal hearing or arbitration." His Majesty's Government would be grateful if the United States ambassador would inform the claimants of the above proposal at his early convenience and obtain their acceptance.

PAGE.

## PART V.

## CASE OF THE WILLIAM P. FRYE.

*The Secretary of State to Ambassador Gerard.*

[Telegram.]

No. 1446.]

DEPARTMENT OF STATE,  
Washington, March 31, 1915.

You are instructed to present the following note to the German Foreign Office:

Under instructions from my Government I have the honor to present a claim for \$228,059.54, with interest from January 28, 1915, against the German Government on behalf of the owners and captain of the American sailing vessel *William P. Frye* for damages suffered by them on account of the destruction of that vessel on the high seas by the German armed cruiser *Prinz Eitel Friedrich*, on January 28, 1915.

The facts upon which this claim arises and by reason of which the German Government is held responsible by the Government of the United States for the attendant loss and damages are briefly as follows:

The *William P. Frye*, a steel sailing vessel of 3,374 tons gross tonnage, owned by American citizens and sailing under the United States flag and register, cleared from Seattle, Wash., November 4, 1914, under charter to M. H. Houser, of Portland, Oreg., bound for Queenstown, Falmouth, or Plymouth for orders, with a cargo consisting solely of 186,950 bushels of wheat owned by the aforesaid Houser and consigned "unto order or to its assigns," all of which appears from the ship's papers which were taken from the vessel at the time of her destruction by the commander of the German cruiser.

On January 27, 1915, the *Prinz Eitel Friedrich* encountered the *Frye* on the high seas, compelled her to stop, and sent on board an armed boarding party, who took possession. After an examination of the ship's papers the commander of the cruiser directed that the cargo be thrown overboard, but subsequently decided to destroy the vessel, and on the following morning, by his order, the *Frye* was sunk.

The claim of the owners and captain consists of the following items:

|                                                                                                                                                                   |              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| Value of ship, equipment, and outfit.....                                                                                                                         | \$150,000.00 |
| Actual freight as per freight list, 5034 1000/2240 tons at<br>32-6—£8180-19-6 at \$4.86.....                                                                      | 39,759.54    |
| Traveling and other expenses of Capt. Kiehne and Arthur<br>Sewall & Co., agents of ship, in connection with making<br>affidavits, preparing and filing claim..... | 500.00       |
| Personal effects of Capt. H. H. Kiehne.....                                                                                                                       | 300.00       |
| Damages covering loss due to deprivation of use of ship.....                                                                                                      | 37,500.00    |
| Total.....                                                                                                                                                        | 228,059.54   |



By direction of my Government, I have the honor to request that full reparation be made by the German Government for the destruction of the *William P. Frye* by the German cruiser *Prinz Eitel Friedrich*.

BRYAN.

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*Ambassador Gerard to the Secretary of State.*

No. 1984.]

AMERICAN EMBASSY,  
*Berlin, April 5, 1915.*

The following is translation of the reply of the Foreign Office to my note of April 3:

GERMAN FOREIGN OFFICE,  
*Berlin, April 5, 1915.*

The undersigned has the honor to make reply to the note of his Excellency, Mr. James W. Gerard, Ambassador, the United States of America, dated the 3d instant, foreign office No. 2892, relative to claims for damages for the sinking of the American merchant vessel *William P. Frye* by the German auxiliary cruiser *Prinz Eitel Friedrich*.

According to the reports which have reached the German Government the commander of the *Prinz Eitel Friedrich* stopped the *William P. Frye* on the high seas January 27, 1915, and searched her. He found on board a cargo of wheat consigned to Queenstown, Falmouth, or Plymouth to order. After he had first tried to remove the cargo from the *William P. Frye* he took the ship's papers and her crew on board and sank ship.

It results from these facts that the German commander acted quite in accordance with the principles of international law as laid down in the Declaration of London and the German prize ordinance. The ports of Queenstown, Falmouth, and Plymouth, whither the ship visited was bound, are strongly fortified English coast places, which, moreover, serve as bases for the British naval forces. The cargo of wheat being food or foodstuffs, was conditional contraband within the meaning of article 24, No. 1, of the Declaration of London, and article 23, No. 1, of the German prize ordinance, and was therefore to be considered as destined for the armed forces of the enemy, pursuant to articles 33 and 34 of the Declaration of London and articles 32 and 33 of the German prize ordinance, and to be treated as contraband pending proof of the contrary. This proof was certainly not capable of being adduced at the time of the visiting of the vessel, since the cargo papers read to order. This, however, furnished the conditions under which, pursuant to article 49 of the Declaration of London and article 113 of the German prize ordinance the sinking of the ship was permissible, since it was not possible for the auxiliary cruiser to take the prize into a German port without involving danger to its own security or the success of its operations. The duties devolving upon the cruiser before destruction of the ship, pursuant to article 50 of the Declaration of London and article 116 of the German prize ordinance, were fulfilled by the cruiser in that it took on board all the persons found on the sailing vessel, as well as the ship's papers.

The legality of the measures taken by the German commander is furthermore subject to examination by the German prize court pursuant to article 51 of the Declaration of London and section 1, No. 2, of the German Code of Prize Procedure. These prize proceedings will be instituted before the prize court at Hamburg as soon as the ship's papers are received and will comprise the settlement of questions whether the destruction of the cargo and the ship was necessary within the meaning of article 49 of the Declaration of London; whether the property sunk was liable to capture; and whether, or to what extent, indemnity is to be awarded the owners. In the trial the owners of ship and cargo would be at liberty, pursuant to article 34, paragraph 3, of the Declaration of London, to adduce proof that the cargo of wheat had an innocent destination and did not, therefore, have the character of contraband. If such proof is not adduced, the German Government would not be liable for any compensation whatever, according to the general principles of international law.

However, the legal situation is somewhat different in the light of the special stipulations applicable to the relations between Germany and the United States since article 13 of the Prussian-American treaty of friendship and commerce of July 11, 1799, taken in connection with article 12 of Prussian-American treaty of commerce and navigation of May 1, 1828, provides that contraband belonging to the subjects or citizens of either party can not be confiscated by the other in any case but only detained or used in consideration of payment of the full value of the same. On the ground of this treaty stipulation which is as a matter of course binding on the German prize court the American owners of ship and cargo would receive compensation even if the court should declare the cargo of wheat to be contraband. Nevertheless the approaching prize proceedings are not rendered superfluous since the competent prize court must examine into the legality of the capture and destruction and also pronounce upon the standing of the claimants and the amount of indemnity.

The undersigned begs to suggest that the ambassador bring the above to the knowledge of his Government and avails himself, etc.

(Signed) JAGOW.

April 4, 1915.

GERARD.

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*The Secretary of State to Ambassador Gerard.*

No. 1583.]

DEPARTMENT OF STATE,  
Washington, April 28, 1915.

You are instructed to present the following note to the German Foreign Office:

In reply to Your Excellency's note of the 5th instant, which the Government of the United States understands admits the liability of the Imperial German Government for the damages resulting from the sinking of the American sailing vessel *William P. Frye* by the German auxiliary cruiser *Prinz Eitel Friedrich* on January 28

last, I have the honor to say, by direction of my Government, that while the promptness with which the Imperial German Government has admitted its liability is highly appreciated, my Government feels that it would be inappropriate in the circumstances of this case, and would involve unnecessary delay to adopt the suggestion in your note that the legality of the capture and destruction, the standing of the claimants, and the amount of indemnity should be submitted to a prize court.

Unquestionably the destruction of this vessel was a violation of the obligations imposed upon the Imperial German Government under existing treaty stipulations between the United States and Prussia, and the United States Government, by virtue of its treaty rights, has presented to the Imperial German Government a claim for indemnity on account of the resulting damages suffered by American citizens. The liability of the Imperial German Government and the standing of the claimants as American citizens and the amount of indemnity are all questions which lend themselves to diplomatic negotiation between the two Governments, and happily the question of liability has already been settled in that way. The status of the claimants and the amount of the indemnity are the only questions remaining to be settled, and it is appropriate that they should be dealt with in the same way.

The Government of the United States fully understands that, as stated in your excellency's note, the German Government is liable under the treaty provisions above mentioned for the damages arising from the destruction of the cargo as well as from the destruction of the vessel. But it will be observed that the claim under discussion does not include damages for the destruction of the cargo, and the question of the value of the cargo therefore is not involved in the present discussion.

The Government of the United States recognizes that the German Government will wish to be satisfied as to the American ownership of the vessel, and the amount of the damages sustained in consequence of her destruction.

These matters are readily ascertainable and if the German Government desires any further evidence in substantiation of the claim on these points in addition to that furnished by the ship's papers, which are already in the possession of the German Government, any additional evidence found necessary will be produced. In that case, however, inasmuch as any evidence which the German Government may wish to have produced is more accessible and can more conveniently be examined in the United States than elsewhere, on account of the presence there of the owners and captain of the *William P. Frye* and their documentary records, and other possible witnesses, the Government of the United States ventures to suggest the advisability of transferring the negotiations for the settlement of these points to the imperial German embassy at Washington.

In view of the admission of liability by reason of specific treaty stipulations, it has become unnecessary to enter into a discussion of the meaning and effect of the Declaration of London, which is given some prominence in Your Excellency's note of April 5, further than to say that, as the German Government has already been advised, the Government of the United States does not regard the Declaration of London as in force.

BRYAN.

*Ambassador Gerard to the Secretary of State.*

[Telegram.]

No. 2391.]

AMERICAN EMBASSY,  
Berlin, June 7, 1915.

The following is the text of the reply of the German Government in the *Frye* case:

The undersigned has the honor to make the following reply to the note of His Excellency Mr. James W. Gerard, Ambassador of the United States of America, dated April 30, 1915 (F. O. No. 3291), on the subject of the sinking of the American sailing vessel *William P. Frye* by the German auxiliary cruiser *Prinz Eitel Friedrich*:

The German Government can not admit that, as the American Government assumes, the destruction of the sailing vessel mentioned constitutes a violation of the treaties concluded between Prussia and the United States at an earlier date and now applicable to the relations between the German Empire and the United States or of the American rights derived therefrom. For these treaties did not have the intention of depriving one of the contracting parties engaged in war of the right of stopping the supply of contraband to his enemy when he recognizes the supply of such articles as detrimental to his military interests. On the contrary, Article 13 of the Prussian-American Treaty of July 11, 1799, expressly reserves to the party at war the right to stop the carrying of contraband and to detain the contraband; it follows then that if it can not be accomplished in any other way, the stopping of the supply may in the extreme case be effected by the destruction of the contraband and of the ship carrying it. As a matter of course, the obligation of the party at war to pay compensation to the interested persons of the neutral contracting party remains in force whatever be the manner of stopping the supply.

According to general principles of international law, any exercise of the right of control over the trade in contraband is subject to the decision of the Prize Courts, even though such right may be restricted by special treaties. At the beginning of the present war Germany, pursuant to these principles, established by law prize jurisdiction for cases of the kind under consideration. The case of the *William P. Frye* is likewise subject to the German prize jurisdiction, for the Prussian-American Treaties mentioned contain no stipulation as to how the amount of the compensation provided by Article 13 of the treaty cited is to be fixed. The German Government, therefore, complies with its treaty obligations to a full extent when the Prize Courts instituted by it in accordance with international law proceed in pursuance of the treaty stipulations and thus award the American interested persons equitable indemnity. There would, therefore, be no foundation for a claim of the American Government, unless the Prize Courts should not grant indemnity in accordance with the treaty; in such an event, however, the German Government would not hesitate to arrange for equitable indemnity notwithstanding. For the rest, prize proceedings in the case of the *Frye* are indispensable, apart from the American claims, for the reason that other claims of neutral and enemy interested parties are to be considered in the matter.

As was stated in the note of April 4 last, the Prize Court will have to decide the questions whether the destruction of the ship and cargo was legal; whether and under what conditions the property sunk was liable to confiscation, and to whom and in what amount indemnity is to be paid provided application therefor is received. Since the decision of the Prize Court must first be awaited before any further position is taken by the German Government, the simplest way for the American interested parties to settle their claims would be to enter them in the competent quarter in accordance with the provisions of the German Code of Prize Procedure.

The undersigned begs to suggest that the ambassador bring the above to the knowledge of his Government, and avails himself at the same time of the opportunity to renew the assurances of his most distinguished consideration.

(Signed.) v. JAGOW.

GERARD.

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*The Secretary of State to Ambassador Gerard.*

[Telegram.]

No. 1868.]

DEPARTMENT OF STATE,  
*Washington, June 24, 1915.*

You are instructed to present the following note to the German Minister of Foreign Affairs:

I have the honor to inform Your Excellency that I duly communicated to my Government your note of the 7th instant on the subject of the claim presented in my note of April 3d last, on behalf of the owners and captain of the American sailing vessel *William P. Frye* in consequence of her destruction by the German auxiliary cruiser *Prinz Eitel Friedrich*.

In reply I am instructed by my Government to say that it has carefully considered the reasons given by the Imperial German Government for urging that this claim should be passed upon by the German Prize Court instead of being settled by direct diplomatic discussion between the two Governments, as proposed by the Government of the United States, and that it regrets to find that it can not concur in the conclusions reached by the Imperial German Government.

As pointed out in my last note to you on this subject, dated April 30, the Government of the United States has considered that the only question under discussion was the method which should be adopted for ascertaining the amount of the indemnity to be paid under an admitted liability, and it notes with surprise that in addition to this question the Imperial German Government now desires to raise some questions as to the meaning and effect of the treaty stipulations under which it has admitted its liability.

If the Government of the United States correctly understands the position of the Imperial German Government as now presented, it is that the provisions of Article 13 of the Treaty of 1799 between the United States and Prussia, which is continued in force by the Treaty of 1828, justified the commander of the *Prinz Eitel Friedrich* in

sinking the *William P. Frye*, although making the Imperial German Government liable for the damages suffered in consequence, and that inasmuch as the treaty provides no specific method for ascertaining the amount of indemnity to be paid, that question must be submitted to the German Prize Court for determination.

The Government of the United States, on the other hand, does not find in the treaty stipulations mentioned any justification for the sinking of the *Frye*, and does not consider that the German Prize Court has any jurisdiction over the question of the amount of indemnity to be paid by the Imperial German Government on account of its admitted liability for the destruction of an American vessel on the high seas.

You state in your note of the 7th instant that Article 13 of the above-mentioned treaty of 1799 "expressly reserves to the party at war the right to stop the carrying of contraband and to detain the contraband; it follows then that if it can not be accomplished in any other way, the stopping of the supply may in the extreme case be effected by the destruction of the contraband and of the ship carrying it."

The Government of the United States can not concur in this conclusion. On the contrary, it holds that these treaty provisions do not authorize the destruction of a neutral vessel in any circumstances. By its express terms the treaty prohibits even the detention of a neutral vessel carrying contraband if the master of the vessel is willing to surrender the contraband. Article 13 provides "in the case supposed of a vessel stopped for articles of contrabands if the master of the vessel stopped will deliver out the goods supposed to be of contraband nature, he shall be admitted to do it, and the vessel shall not in that case be carried into any port, nor further detained, but shall be allowed to proceed on her voyage."

In this case the admitted facts show that pursuant to orders from the commander of the German cruiser, the master of the *Frye* undertook to throw overboard the cargo of that vessel, but that before the work of delivering out the cargo was finished the vessel with the cargo was sunk by order of the German commander.

For these reasons, even if it be assumed as Your Excellency has done, that the cargo was contraband, your contention that the destruction of the vessel was justified by the provisions of Article 13 does not seem to be well founded. The Government of the United States has not thought it necessary in the discussion of this case to go into the question of the contraband or noncontraband character of the cargo. The Imperial German Government has admitted that this question makes no difference so far as its liability for damages is concerned, and the result is the same so far as the justification for the sinking of the vessel is concerned. As shown above, if we assume that the cargo was contraband, the master of the *Frye* should have been allowed to deliver it out, and the vessel should have been allowed to proceed on her voyage.

On the other hand, if we assume that the cargo was noncontraband, the destruction either of the cargo or the vessel could not be justified in the circumstances of this case under any accepted rule of international law. Attention is also called to the provisions of Article 12 of the Treaty of 1785 between the United States and Prussia, which, like Article 13 of the Treaty of 1799, was continued in force by Article 12 of the Treaty of 1828. So far as the provisions of Article 12 of the treaty of 1785 apply to the question under consideration, they are as follows:

"If one of the contracting parties should be engaged in war with any other Power,

the free intercourse and commerce of the subjects or citizens of the party remaining neuter with the belligerent Powers shall not be interrupted. On the contrary, in that case, as in full peace the vessels of the neutral party may navigate freely to and from the ports and on the coasts of the belligerent parties, free vessels making free goods, insomuch that all things shall be adjudged free which shall be on board any vessel belonging to the neutral party, although such things belong to an enemy of the other."

It seems clear to the Government of the United States, therefore, that whether the cargo of the *Frye* is regarded as contraband or as noncontraband, the destruction of the vessel was, as stated in my previous communication on this subject, "a violation of the obligations imposed upon the Imperial German Government under existing treaty stipulations between the United States and Prussia."

For these reasons the Government of the United States must disagree with the contention which it understands is now made by the Imperial German Government that an American vessel carrying contraband may be destroyed without liability or accountability beyond the payment of such compensation for damages as may be fixed by a German Prize Court. The issue thus presented arises on a disputed interpretation of treaty provisions, the settlement of which requires direct diplomatic discussion between the two Governments, and can not properly be based upon the decision of the German Prize Court, which is in no way conclusive or binding upon the Government of the United States.

Moreover, even if no disputed question of treaty interpretation was involved, the admission by the Imperial German Government of its liability for damages for sinking the vessel would seem to make it unnecessary, so far as this claim is concerned, to ask the Prize Court to decide "whether the destruction of the ship and cargo was legal, and whether and under what conditions the property sunk was liable to confiscation," which, you state in your note dated June 7, are questions which should be decided by the Prize Court. In so far as these questions relate to the cargo, they are outside of the present discussion, because, as pointed out in my previous note to you on the subject dated April 30, "the claim under discussion does not include damages for the destruction of the cargo."

The real question between the two Governments is what reparation must be made for a breach of treaty obligations, and that is not a question which falls within the jurisdiction of a Prize Court.

In my first note on the subject the Government of the United States requested that "full reparation be made by the Imperial German Government for the destruction of the *William P. Frye*." Reparation necessarily includes an indemnity for the actual pecuniary loss sustained, and the Government of the United States takes this opportunity to assure the Imperial German Government that such an indemnity, if promptly paid, will be accepted as satisfactory reparation, but it does not rest with a Prize Court to determine what reparation should be made or what reparation would be satisfactory to the Government of the United States.

Your Excellency states in your note of June 7 that in the event the Prize Court should not grant indemnity in accordance with the treaty requirements, the German Government would not hesitate to arrange for equitable indemnity, but it is also necessary that the Government of the United States should be satisfied with the amount of the indemnity, and it would seem to be more appropriate and convenient

that an arrangement for equitable indemnity should be agreed upon now rather than later. The decision of the Prize Court, even on the question of the amount of indemnity to be paid, would not be binding or conclusive on the Government of the United States.

The Government of the United States also dissents from the view expressed in your note that "there would be no foundation for a claim of the American Government unless the Prize Courts should not grant indemnity in accordance with the treaty." The claim presented by the American Government is for an indemnity for a violation of a treaty, in distinction from an indemnity in accordance with the treaty, and therefore is a matter for adjustment by direct diplomatic discussion between the two Governments and is in no way dependent upon the action of a German Prize Court.

For the reasons above stated the Government of the United States can not recognize the propriety of submitting the claim presented by it on behalf of the owners and captain of the *Frye* to the German Prize Court for settlement.

The Government of the United States is not concerned with any proceedings which the Imperial German Government may wish to take on "other claims of neutral and enemy interested parties" which have not been presented by the Government of the United States, but which you state in your note of June 7 make Prize Court proceedings in this case indispensable, and it does not perceive the necessity for postponing the settlement of the present claim pending the consideration of those other claims by the Prize Court.

The Government of the United States, therefore, suggests that the Imperial German Government reconsider the subject in the light of these considerations, and because of the objections against resorting to the Prize Court the Government of the United States renews its former suggestion that an effort be made to settle this claim by direct diplomatic negotiations.

LANSING.

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*Ambassador Gerard to the Secretary of State.*

[Telegram.]

No. 2656.]

AMERICAN EMBASSY,  
*Berlin, July 30, 1915.*

Following note received:

FOREIGN OFFICE, *Berlin, July 30, 1915.*

The undersigned has the honor to inform His Excellency, Mr. James W. Gerard, Ambassador of the United States of America, in reply to the note of the 26th ultimo, Foreign Office No. 3990, on the subject of the sinking of the American merchant vessel *William P. Frye* by the German auxiliary cruiser *Prinz Eitel Friedrich*, that the points of view brought out in the note have been carefully examined by the Imperial German Government. This examination has led to the following conclusions:

The Government of the United States believes that it is incumbent upon it to take the position that the treaty rights to which America is entitled, as contained in Ar-



ticle 12 of the Prussian-American treaty of amity and commerce of September 10, 1785, in Article 13 of the Prussian-American treaty of amity and commerce of July 11, 1799, were violated by the sinking of the *William P. Frye*. It interprets these articles as meaning that a merchantman of the neutral contracting party carrying contraband can not in any circumstances be destroyed by a warship of the belligerent contracting party, and that the sinking of the *William P. Frye* was, therefore, in violation of the treaty, even if her cargo should have consisted of contraband, which it leaves outside of the discussion.

The German Government can not accept this view. It insists as heretofore that the commander of the German auxiliary cruiser acted in the legal exercise of the right of control of trade in contraband enjoyed by warships of belligerent nations, and that the treaty stipulations mentioned merely oblige the German Government to make compensation for the damage sustained by the American citizens concerned.

It is not disputed by the American Government that, according to general principles of international law, a belligerent is authorized in sinking neutral vessels under almost any conditions for carrying contraband. As is well known, these principles were laid down in Articles 49 and 50 of the Declaration of London, and were recognized at that time by the duly empowered delegates of all the nations which participated in the conference, including the American delegates, to be declarative of existing international law (see preliminary clause of the Declaration of London); moreover, at the beginning of the present war, the American Government proposed to the belligerent nations to ratify the Declaration of London and give its provisions formal validity also.

The German Government has already explained in its note of April 4 last for what reasons it considers that the conditions justifying the sinking under international law were present in the case of the *William P. Frye*. The cargo consisted of conditional contraband, the destination of which for the hostile armed forces was to be presumed under the circumstances; no proof to overcome this presumption has been furnished. More than half the cargo of the vessel was contraband, so that the vessel was liable to confiscation. The attempt to bring the American vessel into a German port would have greatly imperiled the German vessel in the given situation of the war, and at any rate practically defeated the success of her further operations. Thus the authority for sinking the vessel was given according to general principles of international law.

There only remains then to be examined the question how far the Prussian-American treaty stipulations modify these principles of international law.

In this connection Article 12 of the treaty of 1785 provides that in the event of a war between one of the contracting parties with another power the free commerce and intercourse of the nationals of the party remaining neutral with the belligerent powers shall not be interrupted, but that on the contrary the vessel of the neutral party may navigate freely to and from the ports of the belligerent powers, even neutralizing enemy goods on board thereof. However, this article merely formulates general rules for the freedom of maritime intercourse and leaves the question of contraband untouched; the specific stipulations on this point are contained in the following article, which is materially identical with Article 13 of the treaty of 1799 now in force.

The plain intention of Article 13 is to establish a reasonable compromise between

the military interests of the belligerent contracting party and the commercial interests of the neutral party. On the one hand the belligerent party is to have the right to prevent the transportation of war supplies to his adversaries even when carried on vessels of the neutral party; on the other hand the commerce and navigation of the neutral party is to be interfered with as little as possible by the measures necessary for such prevention, and reasonable compensation is to be paid for any inconvenience or damage which may nevertheless ensue from the proceeding of the belligerent party.

Article 13 recites the following means whereby the belligerent party can prevent the vessels of the neutral party from carrying war supplies to his adversary. The detention of the ship and cargo for such length of time as the belligerent may think necessary; furthermore the taking over of the war stores for his own use, paying the full value of the same as ascertained at the place of destination. The right of sinking is not mentioned in the treaty and is therefore neither expressly permitted nor expressly prohibited, so that on this point the party stipulations must be supplemented by the general rules of international law. From the meaning and spirit of the treaty it really appears out of the question that it was intended to expect of the belligerent that he should permit a vessel loaded with contraband, for example a shipment of arms and ammunition of decisive importance for the outcome of the war, to proceed unhindered to his enemy when circumstances forbid the carrying of the vessel into port, if the general rules of international law allow sinking of the vessel.

The remaining stipulations of Article 13 must likewise be considered in this light; they provide that the captain of a vessel stopped shall be allowed to proceed on his voyage if he delivers out the contraband to the warship which stopped his vessel. For such delivering out can not of course be considered when the ensuing loss of time imperils either the warship herself or the success of her other operations. In the case of the *William P. Frye* the German commander at first tried to have matters settled by the delivery of contraband, but convinced himself of the impracticability of this attempt in that it would expose his ship to attack by whatever superior force of enemy war vessels pursuing him and was accordingly obliged to determine upon the sinking of the *Frye*. Thus he did not exceed on this point the limits to which he was bound by Article 13.

However, Article 13 asserts itself here to the extent that it founds the obligation to compensate the American citizens affected, whereas according to the general rules of international law the belligerent party does not need to grant compensation for a vessel lawfully sunk. For if, by Article 13, the mere exercise of right of highways makes the belligerent liable for compensation, this must apply *a fortiori* to the exercise of the right of sinking.

The question whether the German commander acted legally was primarily a subject for the consideration of the German prize courts according to general principles of international law as laid down; also in Article 1 of The Hague Convention for the establishment of an international prize court and in Article 51 of the Declaration of London. The German Government consequently laid the case of *William P. Frye* before the competent prize court at Hamburg, as was stated in its note of the 7th ultimo. This court found by its judgment of the 10th instant that the cargo of the American vessel *William P. Frye* was contraband, that the vessel could not be carried into port, and that the sinking was therefore justified; at the same time the court

expressly recognized the validity of the Prussian-American treaty stipulations severally mentioned for the relations between the German Empire and America, so that the sinking of the ship and cargo, so far as American property, makes the German Empire liable for indemnity. The prize court was unable to fix the indemnity itself, since it had no data before it, failing the receipt of the necessary detail from the parties interested.

It will now be necessary to settle these points in a different way. The German Government suggests as the simplest way that each of the two Governments designate an expert, and that the two experts jointly fix the amount of indemnity for the vessel and any American property which may have been sunk with her. The German Government will promptly pay the amount of indemnity thus ascertained; it expressly declares, however, reverting to what has been stated above, that this payment does not constitute satisfaction for the violation of American treaty rights, but a duty or policy of this Government founded on the existing treaty stipulations.

Should the American Government not agree to this manner of settling the matter, the German Government is prepared to submit the difference of opinion as being a question of the interpretation of the existing treaties between Germany and the United States to the tribunal at The Hague, pursuant to Article 38 of The Hague Convention for the pacific settlement of international disputes.

The undersigned begs to suggest that the Ambassador bring the above to the attention of his Government and avails himself, etc.,

VON JAGOW.

GERARD.

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*The Secretary of State to Ambassador Gerard.*

[Telegram.]

No. 2057.]

DEPARTMENT OF STATE,  
*Washington, August 10, 1915.*

You are instructed to present the following note to the German Minister for Foreign Affairs:

Under instructions from my Government, I have the honor to inform Your Excellency in reply to your note of July 30 in regard to the claim for reparation for the sinking of the *William P. Frye*, that the Government of the United States learns with regret that the objections urged by it against the submission of this case to the prize court for decision have not commended themselves to the Imperial German Government, and it equally regrets that the reasons presented by the Imperial German Government for submitting this case to the prize court have failed to remove the objections of the Government of the United States to the adoption of that course. As this disagreement has been reached after

the full presentation of the views of both Governments in our previous correspondence, a further exchange of views on the questions in dispute would doubtless be unprofitable, and the Government of the United States therefore welcomes Your Excellency's suggestion that some other way should be found for settling this case.

The two methods of settlement proposed as alternative suggestions in Your Excellency's note have been given careful consideration, and it is believed that if they can be combined so that they may both be adopted, they will furnish a satisfactory basis for the solution of the questions at issue.

The Government of the United States has already expressed its desire that the question of the amount of indemnity to be paid by the Imperial German Government under its admitted liability for the losses of the owners and captain on account of the destruction of the *Frye* should be settled by diplomatic negotiation, and it entirely concurs with the suggestion of the Imperial German Government that the simplest way would be to agree, as proposed in your note, "that each of the two Governments designate an expert and that the two experts jointly fix the amount of indemnity for the vessel and any American property which may have been sunk with her," to be paid by the Imperial German Government when ascertained as stated in your note. It is assumed that the arrangement will include some provision for calling in an umpire in case the experts fail to agree.

The Government of the United States notes that your suggestion is made with the express reservation that a payment under this arrangement would not constitute an admission that American treaty rights had been violated, but would be regarded by the Imperial German Government merely as fulfilling a duty or policy founded on existing treaty stipulations. A payment made on this understanding would be entirely acceptable to the Government of the United States, provided that the acceptance of such payment should likewise be understood to be without prejudice to the contention of the Government of the United States that the sinking of the *Frye* was without legal justification, and provided also that an arrangement can be agreed upon for the immediate submission to arbitration of the question of legal justification, in so far as it involves the interpretation of existing treaty stipulations.

There can be no difference of opinion between the two Governments as to the desirability of having this question of the true intent and meaning of their treaty stipulations determined without delay, and to that

end the Government of the United States proposes that the alternative suggestion of the Imperial German Government also be adopted, so that this question of treaty interpretation can be submitted forthwith to arbitration pursuant to Article 38 of The Hague Convention for the pacific settlement of international disputes.

In this way both the question of indemnity and the question of treaty interpretation can promptly be settled, and it will be observed that the only change made in the plan proposed by the Imperial German Government is that instead of eliminating either one of its alternative suggestions, they are both given effect in order that both of the questions under discussion may be dealt with at the same time.

If this proposal proves acceptable to the Imperial German Government, it will be necessary also to determine whether, pending the arbitral award, the Imperial German Government shall govern its naval operations in accordance with its own interpretation, or in accordance with the interpretation maintained by the United States, as to the obligations imposed by their treaty stipulations, and the Government of the United States would be glad to have an expression of the views of the Imperial German Government on this point.

LANSING.

## PART VI.

PROCLAMATIONS OF NEUTRALITY AND PAPERS RELATING TO NEUTRALITY.<sup>1</sup>

## NEUTRALITY—ITALY AND AUSTRIA-HUNGARY.

*By the President of the United States of America.*

## A PROCLAMATION.

Whereas a state of war unhappily exists between Italy and Austria-Hungary; And Whereas the United States is on terms of friendship and amity with the contending powers, and with the persons inhabiting their several dominions;

And Whereas there are citizens of the United States residing within the territories or dominions of each of the said belligerents and carrying on commerce, trade, or other business or pursuits therein;

And Whereas there are subjects of each of the said belligerents residing within the territory or jurisdiction of the United States, and carrying on commerce, trade, or other business or pursuits therein;

And Whereas the laws and treaties of the United States, without interfering with the free expression of opinion and sympathy, or with the commercial manufacture or sale of arms or munitions of war, nevertheless impose upon all persons who may be within their territory and jurisdiction the duty of an impartial neutrality during the existence of the contest;

<sup>1</sup> Proclamations, declaring and enjoining neutrality, of like purport, were issued as follows: Austria-Hungary and Servia, Germany and Russia, Germany and France, August 4, 1914; Germany and Great Britain, August 5, 1914; Austria-Hungary and Russia, August 7, 1914; Great Britain and Austria-Hungary, August 13, 1914; France and Austria-Hungary, August 14, 1914; Belgium and Germany, August 18, 1914; Japan and Germany, August 24, 1914; Japan and Austria-Hungary, August 27, 1914; Belgium and Austria-Hungary, September 1, 1914; Great Britain and Turkey, November 6, 1914.

And Whereas it is the duty of a neutral government not to permit or suffer the making of its waters subservient to the purposes of war;

Now, Therefore, I, Woodrow Wilson, President of the United States of America, in order to preserve the neutrality of the United States and of its citizens and of persons within its territory and jurisdiction, and to enforce its laws and treaties, and in order that all persons, being warned of the general tenor of the laws and treaties of the United States in this behalf, and of the law of nations, may thus be prevented from any violation of the same, do hereby declare and proclaim that by certain provisions of the act approved on the 4th day of March, A. D. 1909, commonly known as the "Penal Code of the United States" the following acts are forbidden to be done, under severe penalties, within the territory and jurisdiction of the United States, to wit:

1. Accepting and exercising a commission to serve either of the said belligerents by land or by sea against the other belligerent.
2. Enlisting or entering into the service of either of the said belligerents as a soldier, or as a marine, or seaman on board of any vessel of war, letter of marque, or privateer.
3. Hiring or retaining another person to enlist or enter himself in the service of either of the said belligerents as a soldier, or as a marine, or seaman on board of any vessel of war, letter of marque, or privateer.
4. Hiring another person to go beyond the limits of jurisdiction of the United States with intent to be enlisted as aforesaid.
5. Hiring another person to go beyond the limits of the United States with intent to be entered into service as aforesaid.
6. Retaining another person to go beyond the limits of the United States with intent to be enlisted as aforesaid.
7. Retaining another person to go beyond the limits of the United States with intent to be entered into service as aforesaid. (But the said act is not to be construed to extend to a citizen or subject of either belligerent who, being transiently within the United States, shall, on board of any vessel of war, which, at the time of its arrival within the United States, was fitted and equipped as such vessel of war, enlist or enter himself or hire or retain another subject or citizen of the same belligerent, who is transiently within the United States, to enlist or enter himself to serve such belligerent on board such vessel of war, if the United States shall then be at peace with such belligerent.)
8. Fitting out and arming, or attempting to fit out and arm, or procuring to be fitted out and armed, or knowingly being concerned in the furnishing, fitting out, or arming of any ship or vessel with intent that such ship or vessel shall be employed in the service of either of the said belligerents.
9. Issuing or delivering a commission within the territory or jurisdiction of the United States for any ship or vessel to the intent that she may be employed as aforesaid.
10. Increasing or augmenting, or procuring to be increased or augmented, or knowingly being concerned in increasing or augmenting, the force of any ship of war,

cruiser, or other armed vessel, which at the time of her arrival within the United States was a ship of war, cruiser, or armed vessel in the service of either of the said belligerents or belonging to the subjects of either, by adding to the number of guns of such vessels, or by changing those on board of her for guns of a larger calibre, or by the addition thereto of any equipment solely applicable to war.

11. Beginning or setting on foot or providing or preparing the means for any military expedition or enterprise to be carried on from the territory or jurisdiction of the United States against the territories or dominions of either of the said belligerents.

And I do hereby further declare and proclaim that any frequenting and use of the waters within the territorial jurisdiction of the United States by the armed vessels of a belligerent, whether public ships or privateers, for the purpose of preparing for hostile operations, or as posts of observation upon the ships of war or privateers or merchant vessels of a belligerent lying within or being about to enter the jurisdiction of the United States, must be regarded as unfriendly and offensive, and in violation of that neutrality which it is the determination of this government to observe; and to the end that the hazard and inconvenience of such apprehended practices may be avoided, I further proclaim and declare that from and after the twenty-fifth day of May instant, and during the continuance of the present hostilities, no ship of war or privateer of any belligerent shall be permitted to make use of any port, harbor, roadstead, or other waters within the jurisdiction of the United States as a station or place of resort for any warlike purpose or for the purpose of obtaining any facilities of warlike equipment; and no ship of war or privateer of either belligerent shall be permitted to sail out of or leave any port, harbor, roadstead, or waters subject to the jurisdiction of the United States from which a vessel of an opposing belligerent (whether the same shall be a ship of war, a privateer, or a merchant ship) shall have previously departed, until after the expiration of at least twenty-four hours from the departure of such last-mentioned vessel beyond the jurisdiction of the United States. If any ship of war or privateer of a belligerent shall, after the time this notification takes effect, enter any port, harbor, roadstead, or waters of the United States, such vessel shall be required to depart and to put to sea within twenty-four hours after her entrance into such port, harbor, roadstead, or waters, except in case of stress of weather or of her requiring provisions or things necessary for the subsistence of her crew, or for repairs; in any of which cases the authorities of the port or of the nearest port (as the case may be) shall require her to put to sea as soon as possible after the



expiration of such period of twenty-four hours, without permitting her to take in supplies beyond what may be necessary for her immediate use; and no such vessel which may have been permitted to remain within the waters of the United States for the purpose of repair shall continue within such port, harbor, roadstead, or waters for a longer period than twenty-four hours after her necessary repairs shall have been completed, unless within such twenty-four hours a vessel, whether ship of war, privateer, or merchant ship of an opposing belligerent, shall have departed therefrom, in which case the time limited for the departure of such ship of war or privateer shall be extended so far as may be necessary to secure an interval of not less than twenty-four hours between such departure and that of any ship of war, privateer, or merchant ship of an opposing belligerent which may have previously quit the same port, harbor, roadstead, or waters. No ship of war or privateer of a belligerent shall be detained in any port, harbor, roadstead, or waters of the United States more than twenty-four hours, by reason of the successive departures from such port, harbor, roadstead, or waters of more than one vessel of an opposing belligerent. But if there be several vessels of opposing belligerents in the same port, harbor, roadstead, or waters, the order of their departure therefrom shall be so arranged as to afford the opportunity of leaving alternately to the vessels of the opposing belligerents, and to cause the least detention consistent with the objects of this proclamation. No ship of war or privateer of a belligerent shall be permitted, while in any port, harbor, roadstead, or waters within the jurisdiction of the United States, to take in any supplies except provisions and such other things as may be requisite for the subsistence of her crew, and except so much coal only as may be sufficient to carry such vessel, if without any sail power, to the nearest port of her own country; or in case the vessel is rigged to go under sail, and may also be propelled by steam power, then with half the quantity of coal which she would be entitled to receive, if dependent upon steam alone, and no coal shall be again supplied to any such ship of war or privateer in the same or any other port, harbor, roadstead, or waters of the United States, without special permission, until after the expiration of three months from the time when such coal may have been last supplied to her within the waters of the United States, unless such ship of war or privateer shall, since last thus supplied, have entered a port of the government to which she belongs.

And I do further declare and proclaim that the statutes and the

treaties of the United States and the law of nations alike require that no person, within the territory and jurisdiction of the United States, shall take part, directly or indirectly, in the said wars, but shall remain at peace with all of the said belligerents, and shall maintain a strict and impartial neutrality.

And I do hereby enjoin all citizens of the United States, and all persons residing or being within the territory or jurisdiction of the United States, to observe the laws thereof, and to commit no act contrary to the provisions of the said statutes or treaties or in violation of the law of nations in that behalf.

And I do hereby warn all citizens of the United States, and all persons residing or being within its territory or jurisdiction that, while the free and full expression of sympathies in public and private is not restricted by the laws of the United States, military forces in aid of a belligerent can not lawfully be originated or organized within its jurisdiction; and that, while all persons may lawfully and without restriction by reason of the aforesaid state of war manufacture and sell within the United States arms and munitions of war, and other articles ordinarily known as "contraband of war," yet they can not carry such articles upon the high seas for the use or service of a belligerent, nor can they transport soldiers and officers of a belligerent, or attempt to break any blockade which may be lawfully established and maintained during the said wars without incurring the risk of hostile capture and the penalties denounced by the law of nations in that behalf.

And I do hereby give notice that all citizens of the United States and others who may claim the protection of this government, who may misconduct themselves in the premises, will do so at their peril, and that they can in no wise obtain any protection from the government of the United States against the consequences of their misconduct.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this twenty-fourth day of May in the year of our Lord one thousand nine hundred and fifteen and of the independence of the United States of America the one hundred and thirty-ninth.

[SEAL.]

WOODROW WILSON.

By the President:

W. J. BRYAN, *Secretary of State*.

[1294.]

## AMERICAN NEUTRALITY—AN APPEAL BY THE PRESIDENT.

*An appeal by the President of the United States to the citizens of the Republic, requesting their assistance in maintaining a state of neutrality during the present European war.*

[Presented in the Senate by Mr. Chilton, Aug. 19, 1914, and ordered to be printed.]

MY FELLOW COUNTRYMEN: I suppose that every thoughtful man in America has asked himself, during these last troubled weeks, what influence the European war may exert upon the United States, and I take the liberty of addressing a few words to you in order to point out that it is entirely within our own choice what its effects upon us will be and to urge very earnestly upon you the sort of speech and conduct which will best safeguard the Nation against distress and disaster.

The effect of the war upon the United States will depend upon what American citizens say and do. Every man who really loves America will act and speak in the true spirit of neutrality, which is the spirit of impartiality and fairness and friendliness to all concerned. The spirit of the Nation in this critical matter will be determined largely by what individuals and society and those gathered in public meetings do and say, upon what newspapers and magazines contain, upon what ministers utter in their pulpits, and men proclaim as their opinions on the street.

The people of the United States are drawn from many nations, and chiefly from the nations now at war. It is natural and inevitable that there should be the utmost variety of sympathy and desire among them with regard to the issues and circumstances of the conflict. Some will wish one nation, others another, to succeed in the momentous struggle. It will be easy to excite passion and difficult to allay it. Those responsible for exciting it will assume a heavy responsibility, responsibility for no less a thing than that the people of the United States, whose love of their country and whose loyalty to its Government should unite them as Americans all, bound in honor and affection to think first of her and her interests, may be divided in camps of hostile opinion, hot against each other, involved in the war itself in impulse and opinion if not in action.

Such divisions among us would be fatal to our peace of mind and might seriously stand in the way of the proper performance of our duty

as the one great nation at peace, the one people holding itself ready to play a part of impartial mediation and speak the counsels of peace and accommodation, not as a partisan, but as a friend.

I venture, therefore, my fellow countrymen, to speak a solemn word of warning to you against that deepest, most subtle, most essential breach of neutrality which may spring out of partisanship, out of passionately taking sides. The United States must be neutral in fact as well as in name during these days that are to try men's souls. We must be impartial in thought as well as in action, must put a curb upon our sentiments as well as upon every transaction that might be construed as a preference of one party to the struggle before another.

My thought is of America. I am speaking, I feel sure, the earnest wish and purpose of every thoughtful American that this great country of ours, which is, of course, the first in our thoughts and in our hearts, should show herself in this time of peculiar trial a Nation fit beyond others to exhibit the fine poise of undisturbed judgment, the dignity of self-control, the efficiency of dispassionate action; a Nation that neither sits in judgment upon others nor is disturbed in her own counsels and which keeps herself fit and free to do what is honest and disinterested and truly serviceable for the peace of the world.

Shall we not resolve to put upon ourselves the restraints which will bring to our people the happiness and the great and lasting influence for peace we covet for them?

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#### NEUTRALITY IN THE WATERS OF THE ISTHMUS OF PANAMA.

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*Protocol of an agreement concluded between Honorable Robert Lansing, Acting Secretary of State of the United States, and Don Eusebio A. Morales, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Panama, signed the tenth day of October, 1914.*

The undersigned, the Acting Secretary of State of the United States of America and the Envoy Extraordinary and Minister Plenipotentiary of the Republic of Panama, in view of the close association of the interests of their respective Governments on the Isthmus of Panama, and to the end that these interests may be conserved and that, when a state of war exists, the neutral obligations of both Governments as neutrals may be

maintained, after having conferred on the subject and being duly empowered by their respective Governments, have agreed:

That hospitality extended in the waters of the Republic of Panama to a belligerent vessel of war or a vessel belligerent or neutral, whether armed or not, which is employed by a belligerent power as a transport or fleet auxiliary or in any other way for the direct purpose of prosecuting or aiding hostilities, whether by land or sea, shall serve to deprive such vessel of like hospitality in the Panama Canal Zone for a period of three months, and *vice versa*.

In testimony whereof, the undersigned have signed and sealed the present Protocol in the city of Washington this tenth day of October, 1914.

ROBERT LANSING. [L. S.]

EUSEBIO A. MORALES. [L. S.]

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NEUTRALITY—PANAMA CANAL ZONE.

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*By the President of the United States of America.*

A PROCLAMATION.

Whereas the United States is neutral in the present war, and whereas the United States exercises sovereignty in the land and waters of the Canal Zone and is authorized by its treaty with Panama of February twenty-six, nineteen hundred and four, to maintain neutrality in the cities of Panama and Colon and the harbors adjacent to the said cities:

Now, therefore, I, Woodrow Wilson, President of the United States of America, do hereby declare and proclaim the following Rules and Regulations Governing the Use of the Panama Canal by Vessels of Belligerents and the Maintenance of Neutrality by the United States in the Canal Zone, which are in addition to the general "Rules and Regulations for the Operation and Navigation of the Panama Canal and Approaches Thereto, including all Waters under its jurisdiction" put into force by Executive Order of July 9, 1914, and I do bring to the attention of all concerned the Protocol of an Agreement between the United States and the Republic of Panama, signed at Washington, October 10, 1914, which protocol is hereunto annexed.

*Rule 1.* A vessel of war, for the purposes of these rules, is defined as follows: a public armed vessel, under the command of an officer duly commissioned by the government, whose name appears on the list of officers of the military fleet, and the crew of which are under regular naval discipline, which vessel is qualified by its armament and the character of its personnel to take offensive action against the public or private ships of the enemy.

*Rule 2.* In order to maintain both the neutrality of the Canal and that of the United States owning and operating it as a government enterprise, the same treatment, except as hereinafter noted, as that given to vessels of war of the belligerents shall be given to every vessel, belligerent or neutral, whether armed or not, that does not fall under the definition of Rule 1, which vessel is employed by a belligerent Power as a transport or fleet auxiliary or in any other way for the direct purpose of prosecuting or aiding hostilities, whether by land or sea; but such treatment shall not be given to a vessel fitted up and used exclusively as a hospital ship.

*Rule 3.* A vessel of war of a belligerent, or a vessel falling under Rule 2 which is commanded by an officer of the military fleet, shall only be permitted to pass through the Canal after her commanding officer has given written assurance to the Authorities of the Panama Canal that the Rules and Regulations will be faithfully observed.

The authorities of the Panama Canal shall take such steps as may be requisite to insure the observance of the Rules and Regulations by vessels falling under Rule 2 which are not commanded by an officer of the military fleet.

*Rule 4.* Vessels of war of a belligerent and vessels falling under Rule 2 shall not revictual nor take any stores in the Canal except so far as may be strictly necessary; and the transit of such vessels through the Canal shall be effected with the least possible delay in accordance with the Canal Regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same Rules as vessels of war of the belligerents.

*Rule 5.* No vessel of war of a belligerent or vessel falling under Rule 2 shall receive fuel or lubricants while within the territorial waters of the Canal Zone, except on the written authorization of the Canal Authorities, specifying the amount of fuel and lubricants which may be received.

*Rule 6.* Before issuing any authorization for the receipt of fuel and lubricants by any vessel of war of a belligerent or vessel falling under

Rule 2, the Canal Authorities shall obtain a written declaration, duly signed by the officer commanding such vessel, stating the amount of fuel and lubricants already on board.

*Rule 7.* Supplies will not be furnished by the Government of the United States, either directly, or indirectly through the intervention of a corporation, or otherwise, to vessels of war of a belligerent or vessels falling under Rule 2. If furnished by private contractors, or if taken from vessels under the control of a belligerent, fuel and lubricants may be taken on board vessels of war of a belligerent or vessels falling under Rule 2, only upon permission of the Canal Authorities, and then only in such amounts as will enable them, with the fuel and lubricants already on board, to reach the nearest accessible port, not an enemy port, at which they can obtain supplies necessary for the continuation of the voyage. The amounts of fuel and lubricants so received will be deducted from the amounts otherwise allowed in the ports under the jurisdiction of the United States during any time within a period of three months thereafter. Provisions furnished by contractors may be supplied only upon permission of the Canal Authorities, and then only in amount sufficient to bring up their supplies to the peace standard.

*Rule 8.* No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the Canal, except in case of necessity due to accidental hindrance of the transit. In such cases the Canal Authorities shall be the judge of the necessity, and the transit shall be resumed with all possible dispatch.

*Rule 9.* Vessels of war of a belligerent and vessels falling under Rule 2 shall not remain in the territorial waters of the Canal Zone under the jurisdiction of the United States longer than twenty-four hours at any one time, except in case of distress; and in such case, shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within twenty-four hours from the departure of a vessel of an opposing belligerent.

The twenty-four hours of this rule shall be construed to be twenty-four hours in addition to the time necessarily occupied in passing through the Canal.

*Rule 10.* In the exercise of the exclusive right of the United States to provide for the regulation and management of the Canal, and in order to ensure that the Canal shall be kept free and open on terms of entire equality to vessels of commerce and of war, there shall not be, except by special arrangement, at any one time a greater number of vessels of

war of any one nation, including those of the allies of a belligerent nation, than three in either terminal port and its adjacent terminal waters, or than three in transit through the Canal; nor shall the total number of such vessels, at any one time, exceed six in all the territorial waters of the Canal Zone under the jurisdiction of the United States.

*Rule 11.* When vessels of war or vessels falling under Rule 2, belonging to or employed by opposing belligerents, are present simultaneously in the waters of the Canal Zone, a period of not less than twenty-four hours must elapse between the departure of the vessel belonging to or employed by one belligerent and the departure of the vessel belonging to or employed by his adversary.

The order of departure is determined by order of arrival, unless the vessel which arrived first is so circumstanced that an extension of her stay is permissible.

A vessel of war of a belligerent or vessel falling under Rule 2 may not leave the waters of the Canal Zone until twenty-four hours after the departure of a private vessel flying the flag of the adversary.

*Rule 12.* A vessel of war of a belligerent or vessel falling under Rule 2 which has left the waters of the Canal Zone, whether she has passed through the Canal or not, shall, if she returns within a period of one week after her departure, lose all privileges of precedence in departure from the Canal Zone, or in passage through the Canal, over vessels flying the flag of her adversaries which may enter those waters after her return and before the expiration of one week subsequent to her previous departure. In any such case the time of departure of a vessel which has so returned shall be fixed by the Canal Authorities, who may in so doing consider the wishes of the commander of a public vessel or of the master of a private vessel of the adversary of the returned vessel, which adversary's vessel is then present within the waters of the Canal Zone.

*Rule 13.* The repair facilities and docks belonging to the United States and administered by the Canal Authorities shall not be used by a vessel of war of a belligerent, or vessels falling under Rule 2, except when necessary in case of actual distress, and then only upon the order of the Canal Authorities, and only to the degree necessary to render the vessel sea-worthy. Any work authorized shall be done with the least possible delay.

*Rule 14.* The radio installation of any vessel of a belligerent Power, public or private, or of any vessel falling under Rule 2, shall be used only in connection with Canal business to the exclusion of all other busi-



ness while within the waters of the Canal Zone, including the waters of Colon and Panama Harbors.

*Rule 15.* Air craft of a belligerent Power, public or private, are forbidden to descend or arise within the jurisdiction of the United States at the Canal Zone, or to pass through the air spaces above the lands and waters within said jurisdiction.

*Rule 16.* For the purpose of these rules the Canal Zone includes the cities of Panama and Colon and the harbors adjacent to the said cities.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this thirteenth day of November in the year of our Lord one thousand nine hundred and fourteen and of the independence of the United States the one hundred and thirty-ninth.

[SEAL.]

WOODROW WILSON.

By the President:

W. J. BRYAN, *Secretary of State.*

[1287.]

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#### PREVENTION OF THE VIOLATIONS OF NEUTRALITY.

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*Joint Resolution to empower the President to better enforce and maintain the neutrality of the United States.*

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the passage of this resolution, and during the existence of a war to which the United States is not a party, and in order to prevent the neutrality of the United States from being violated by the use of its territory, its ports, or its territorial waters as the base of operations for the armed forces of a belligerent, contrary to the obligations imposed by the law of nations, the treaties to which the United States is a party, or contrary to the statutes of the United States, the President be, and he is hereby, authorized and empowered to direct the collectors of customs under the jurisdiction of the United States to withhold clearance from any vessel, American or foreign, which he has reasonable cause to believe to be about to carry fuel, arms, ammunition, men, or supplies to any warship, or*

tender, or supply ship of a belligerent nation, in violation of the obligations of the United States as a neutral nation.

In case any such vessel shall depart or attempt to depart from the jurisdiction of the United States without clearance for any of the purposes above set forth, the owner or master or person or persons having charge or command of such vessel shall severally be liable to a fine of not less than \$2,000 nor more than \$10,000, or to imprisonment not to exceed two years, or both, and, in addition, such vessel shall be forfeited to the United States.

That the President of the United States be, and he is hereby, authorized and empowered to employ such part of the land or naval forces of the United States as shall be necessary to carry out the purposes of this resolution.

That the provisions of this resolution shall be deemed to extend to all land and water, continental or insular, within the jurisdiction of the United States.

Approved, March 4, 1915.

## PART VII.

## VIOLATIONS OF NEUTRALITY—PANAMA CANAL.

*The British Ambassador to the Secretary of State.*

No. 432.]

BRITISH EMBASSY,  
*Washington, December 18, 1914.*

SIR: For some days past the press of this country has reported various incidents of the violation of neutrality of the Panama Canal of which British ships have been accused and the Governor of the Panama Canal Zone has, it is stated, been obliged to ask for an armed force in order to put a stop to these violations. Although I have received no official representations from you, sir, I thought it well to request from the British representative in Panama a report on the subject in order that I might be in a position to discuss the matter should it be brought officially to my attention. I now have the honour to state that I have to-day received an answer from Sir C. Mallet, the British Minister in Panama, which is to the following effect:

Facts are as follows: The steamship *Mallina*, an Admiralty collier, arrived here from Acapulco without a bill of health from the American consul. She was in consequence indicted for a violation of the quarantine regulations of the Canal Zone. A nominal fine of \$50 was imposed on her by the Court. At Balboa the Master of the *Mallina* was ordered to sea early next morning and notified the port captain accordingly. Clearance papers were ready, but it appears that the master had expected that they would be sent to him together with some stores which he had ordered from the commissariat of the Canal. Neither the stores nor the clearance papers arrived. He thus had to choose between a violation of the customs law and a violation of neutrality. Of these two courses he thought the wiser course was to choose the former, and accordingly left without his clearance papers.

It furthermore appears that the *Mallina* was accused by His Excellency Colonel Goethals, the Governor of the Panama Canal Zone, of having used her wireless installation within the limits of the Canal Zone and thus having violated the regulations governing the use of radio instruments in waters under American jurisdiction. As a matter of fact the *Mallina* has no installation for wireless telegraphy. A communication has now been received in writing from His Excellency stating that he had been wrongly informed.

As far as I am aware no breach of neutrality of any kind has been committed by British vessels within the waters of the Canal Zone. British warships have no doubt

when off the coast used powerful wireless telegraphy installations and this may have given rise to the rumors current in the press. Neither the warships nor the colliers have, so far as I know, been guilty of any infringement of the regulations.

It will be in the recollection of your Department, as also of the Secretary for War, that I have on several occasions asked to be supplied with the regulations which as I understood were being prepared for enforcing neutrality in the Canal Zone. It was the desire of my government that such information should be obtained as soon as possible in order that it might be communicated to British ships. On August 6 this Embassy addressed to you an urgent note enquiring whether any and if so what restrictions would be placed on belligerent vessels passing through the Panama Canal, and on the 12th, 13th, and 14th of the same month Mr. Barclay again spoke as to the necessity of issuing regulations for the Canal Zone without delay, in view of the short time remaining before the opening of the Canal. It was not until November 17 that the Embassy received the memorandum of the State Department dated November the 14th enclosing copy of the rules and regulations governing the use of the Panama Canal by vessels of the belligerents and the maintenance of neutrality by United States in the Canal Zone.

On receipt of these regulations I telegraphed to my Government and also transmitted the regulations, which as you are aware are of some length, by post to London. My telegram only contained a brief summary. The regulations themselves could not have reached London before the last days of November, and it was materially impossible for ships which reached the Canal Zone in the first days of December to be cognizant of the full text.

The above facts of which you will find proof in the archives of your Department will show that this Embassy has, I trust, been guilty of no negligence in the communication of the regulations.

I now have the honour to appeal to your courtesy in order to be informed what charges, if any, have been brought by the United States authorities against British ships or officers for violation of the Canal Zone regulations in order that such charges may receive the fullest investigation. I trust I need not say that it is the desire of His Majesty's Government that British ships and officers should conform in every way to every detail of the regulations imposed by the United States authorities under the authority of the President and in conformity with the treaty obligations of Great Britain.

I have, etc.,

CECIL SPRING-RICE.

*The German Ambassador to the Counselor.*

J. No. A 3180.]

GERMAN EMBASSY,  
*Washington, December 21, 1914.*

My dear Mr. LANSING: I learn that the British S. S. *Mallina* and *Tremeadow*, who served as tenders to British cruisers, now demand to be allowed to coal in Panama and to leave for Australia, alleging that they have ceased to be tenders of British warships.

I beg to draw your attention to the fact that, as far as can be seen from here, their case, in the principal points, is identical with the case of the German S. S. *Locksun*.

I am, etc.,

J. BERNSTORFF.

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*The Secretary of State to the British Ambassador.*

No. 596.]

DEPARTMENT OF STATE,  
*Washington, December 23, 1914.*

EXCELLENCY: I have the honor to acknowledge the receipt of your note of December 18, with reference to the neutrality of the Panama Canal Zone.

The Department is giving its attention to the contents of your note, and will communicate again with you on the subject.

Accept, etc.,

W. J. BRYAN.

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*The Counselor to the German Ambassador.*DEPARTMENT OF STATE,  
*Washington, December 23, 1914.*

MY DEAR MR. AMBASSADOR: In reply to your note of the 21st instant, with reference to the British S. S. *Mallina* and *Tremeadow*, which you state have served as tenders to British cruisers, and are demanding coal in the Panama Canal Zone, I would advise you that these vessels have been considered by the Canal authorities as coming under Rule 2 of the President's proclamation of November 13 last in relation to the neutrality of the Panama Canal Zone, which accords to transports or fleet auxiliaries the same treatment as that given to belligerent vessels of war.

I am, etc.,

ROBERT LANSING.

*The British Ambassador to the Secretary of State.*

No. 448.]

BRITISH EMBASSY,

*Washington, December 25, 1914.*

SIR: With reference to my note No. 432 of the 18th instant on the subject of the neutrality rules of the Panama Canal Zone I have the honour to inform you that I have received a further statement from His Majesty's Minister in Panama to the effect that certain British colliers had violated the quarantine regulations by arriving without a bill of health from an American consular officer at the port of departure, as the law requires. These acts, the Minister states, were involuntary on the part of the masters of these vessels but representations have been made and steps have now been taken in order to inform British masters as to the requirements of the law.

With regard to the statement as to the improper use of the wireless apparatus by British ships, the Minister states that only one of them, the *Protesilaus*, was fitted with a wireless apparatus and that he had understood from the master that this was dismantled immediately on the arrival of the ship in port. It appears, however, from subsequent enquiries that she received a wireless code message while lying in the bay at 8 p. m. December 10 and requested the landing station to receive in plain language a message for the British Consul. The reply was in the negative and the wireless was then dismantled and was not used again.

With regard to the breach of the "law" (but not of the "neutrality" regulations) by the steamer *Mallina*, as already explained, she had not received her clearance papers at the hour fixed for her departure by the authorities, under the neutrality rules, and she consequently chose the lesser of the two evils, by leaving without her clearance papers. The *Mallina* had no wireless apparatus.

The action of the local authorities in the case of the *Protesilaus* was of course in entire accordance with the practice observed in United States waters and which has been the subject of correspondence with this Embassy. The British Government, as you, sir, are aware, has always been of the opinion that the sealing of wireless apparatus in neutral waters is right and proper.

The Minister's report has been transmitted to Sir Edward Grey, who has now instructed me to inform you that the British Government will impress upon British shipmasters the duty of studying the neutrality rules of the Zone and of adhering to them as closely as possible. But

I venture to point out that the rules are not six weeks old and that until they are well known and have been acted on for some time incidents such as that of the *Mallina* are liable to occur. Should this happen, which I trust will not be the case, the requisite action will no doubt be taken by the United States authorities with their wonted courtesy and consideration and His Majesty's Government confidently hope that too much importance should not be attached to such incidents especially at this early date after the publication of the rules.

I have, etc.,

CECIL SPRING-RICE.

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*The Acting Secretary of State to the British Ambassador.*

DEPARTMENT OF STATE,  
*Washington, January 2, 1915.*

EXCELLENCY: I have the honor to acknowledge the receipt of your note of December 25, 1914, with reference to the neutrality rules and quarantine regulations of the Panama Canal Zone.

The contents of your note will receive the Department's attentive consideration in connection with Your Excellency's previous note on the above subject, dated December 18.

I have, etc.,

ROBERT LANSING.

## PART VIII.

## VIOLATIONS OF NEUTRALITY BY BELLIGERENT WAR-SHIPS.

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*The British Ambassador to the Counselor.*

BRITISH EMBASSY,  
*Washington, September 24, 1914.*

DEAR MR. COUNSELOR: You were good enough to call my attention to a report which had reached your attention to the effect that a British warship had communicated by wireless with the shore a request for some supplies. I at once informed my Government, who have telegraphed to me that His Majesty's ships have been instructed on no account to telegraph to New York for supplies or newspapers.

Yours sincerely,

CECIL SPRING-RICE.

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*The German Ambassador to the Secretary of State.*

[Translation.]

J. No. A 1775.]

IMPERIAL GERMAN EMBASSY,  
*Washington, D. C., October 21, 1914.*

MR. SECRETARY OF STATE: I am told that the tug *F. B. Dalzell* at 11 p. m. in the night of September 31–October 1, put to sea from Pier 6 East River, New York, to carry provisions to the British cruiser *Essex*. The *Essex* was lying about 5 nautical miles off Gedney Channel, two nautical miles southeast of Scotland Lightship. As she came out of Gedney Channel the tug is said to have come under the searchlight of the American warship *Florida* that was lying in front of the channel. The provisions, about 40 tons of fresh meats wrapped in cloth, were taken from the tug in boats that had been sent from the war vessel. The tug then returned to New York where it arrived at daybreak.

The tug *G. H. Dalzell* which belongs to the same line, went on a similar errand in the night of October 1–2. That tug also left from Pier 6 East River.



I have the honor to bring the foregoing to Your Excellency's knowledge with a request that you will kindly set on foot an investigation of the case and ascertain whether it constitutes a violation of the neutrality laws.

Accept, etc.,

J. BERNSTORFF.

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*The British Ambassador to the Secretary of State.*

No. 371.]

BRITISH EMBASSY,  
*Washington, October 31, 1914.*

SIR: With reference to my verbal communication which I made on the 16th with regard to the Italian Steamship *Amista*, I have the honor, under instructions from my Government, to make the following communication:

This ship was chartered by the Berwind-White Coal Mining Company of New York and loaded coal and stores at Newport News. Representations were made in writing to the collector of customs by the British Vice-Consul on the ground that the Berwind-White Coal Mining Company of New York was under strong suspicion of chartering neutral ships in order to supply German cruisers, that the firm named in Punta Arenas as receivers of the cargo, were only nominal consignees, and that the neutral clause in the vessel's charter party was incorrect.

The collector replied that he had inquired into the matter and had satisfied himself that the master and agents of the vessel were acting in good faith and that he could not see his way to withhold clearances.

The vessel cleared at the customhouse on October 17 and the Collector invited the Consul to inspect the clearance papers which were in order, the vessel clearing for Montevideo via Barbados.

I have now received information from my Government to the effect that the *Amista* never arrived at Barbados. At the slowest speed she should have arrived October 24. Under these circumstances I have the honor to invite the earnest attention of your Government to this confirmation of the suspect character of the vessel's voyage.

I have to add that the systematic way in which neutral ships have left American ports in order to supply German cruisers, and have been allowed to operate freely in the ports of the United States, in spite of the warnings which have been given, is a matter which causes grave anxiety to His Majesty's Government. I am therefore instructed to request that

in view of the usages of international law and the terms of the instructions of the United States Government to local authorities for the preservation of the neutrality of the United States, such measures as are possible may be taken to prevent the use of ports of the United States for this unneutral purpose.

I have, etc.,

CECIL SPRING-RICE.

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*The Acting Secretary of State to the British Ambassador.*

DEPARTMENT OF STATE,  
Washington, November 2, 1914.

EXCELLENCY: With reference to your note of the 31st ultimo regarding the Italian steamship *Amista*, which is reported to have cleared from Newport News on the 17th ultimo for Montevideo via the Barbados, where you state she appears not to have arrived, I have the honor to advise you that steps have been taken to make a further investigation of this case with a view to determining any other facts in regard to the *bona fides* of the destination of this vessel. The Department will also undertake to ascertain, if possible, whether the consignee of the cargo of the *Amista* expected such shipments to arrive.

You further state that the systematic way in which neutral vessels have left American ports in order to supply German cruisers and have been allowed to operate freely in the ports of the United States in spite of the warnings which have been given is a matter which causes grave anxiety to His Britannic Majesty's Government, and you request under instructions from your Government that such measures as are possible may be taken to prevent the use of the ports of the United States for this unneutral purpose.

In reply I have the honor to state that so far as I am advised every suspicious case of vessels leaving American ports to supply German cruisers which has been brought to the attention of the Government of the United States, with any basis of fact to support such suspicion, has been thoroughly investigated by the authorities of the United States with a view to determining in every possible way whether the transaction was *bona fide* or such as might be interfered with by this Government for the preservation of the neutrality of the United States. Further than this the Government of the United States does not understand that its duty in these matters requires it to go, for otherwise the war would

impose upon the United States the burden of enforcing restrictions which are not, in the opinion of this Government, prescribed by the rules of international law. The Government of the United States, therefore, feels obliged to decline to accept any suggestion intimating that its vigilance in the maintenance of its neutral duties under international law has been relaxed so as to allow vessels engaged in violations of such duties to "operate freely in the ports of the United States."

I have, etc.,

ROBERT LANSING.

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*The Acting Secretary of State to the German Ambassador.*

No. 1133.]

DEPARTMENT OF STATE,  
Washington, November 23, 1914.

EXCELLENCY: Referring to your note of the 21st ultimo, stating that your Embassy was in receipt of information to the effect that, on the night of September 30 last, the tug *F. B. Dalzell* put to sea from Pier 6, East River, New York, to carry provisions to the British cruiser *Essex*, which was lying off Gedney Channel; that as she came out of Gedney Channel the tug came under the searchlights of the U. S. S. *Florida*; that the provisions were taken from the tug in boats sent from the *Essex*; and that the tug *G. H. Dalzell* went on a similar errand on the night of October 1, I have the honor to inform you that the Government of the United States has had the matter thoroughly investigated and has not been able to find as yet sufficient evidence showing that the Tug *F. B. Dalzell* has furnished supplies to British warships. If Your Excellency can supply any evidence bearing on the matter, the Department will be glad to have a further investigation made on the basis of the new information.

Accept, etc.,

ROBERT LANSING.

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*The German Ambassador to the Secretary of State.*

[Translation.]

J. No. A 2985.]

IMPERIAL GERMAN EMBASSY,  
Washington, December 15, 1914.

MR. SECRETARY OF STATE: The position taken by the Government of the United States as to the delivery of coal and other necessities to

warships of the belligerent states constituting a violation of neutrality is, in the opinion of the Imperial German Government, untenable in international law. The Imperial Government has set forth its position on this point in a memorandum which, in compliance with instructions, I have the honor to forward to your Excellency.

The Imperial Government indulges the hope that the Government of the United States, upon perusal of the memorandum, will concur in the view of the Imperial Government and, within the limits drawn in the memorandum, will grant free clearance to vessels that should supply German warships with coal. I should be thankful to your Excellency for a communication in this respect.

Accept, etc.,

J. BERNSTORFF.

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[Enclosure—Translation.]

MEMORANDUM.

Under the general principles of international law no exception can be taken to neutral states letting war material go to Germany's enemies from or through their territory. This is accordant with Article 7 of the Hague Conventions of October 18, 1907, concerning the rights and duties of neutrals in naval and land war. If, however, a state avails itself of that liberty in favor of her enemies, then it must, in accordance with a rule generally accepted in international law and confirmed in Article 9 of the two Conventions above cited, place no obstacle to the German military force ordering contraband from or through its territory.

The neutrality declaration of the United States takes this construction into full account when it allows contraband of war to be delivered equally to all belligerents.

"All persons may lawfully and without restriction by reason of the aforesaid state of war manufacture and sell within the United States arms and ammunitions of war and other articles ordinarily known as contraband of war."

The public declaration of the State Department of the United States of October 15, 1914, on the subject of neutrality and contraband, gave the widest acceptance to the above stated principle.

In spite thereof, various American port authorities have denied clearance from American ports to vessels of the merchant marine which would carry needed supplies or fuel to German warships either on the high seas or in other neutral ports.

According to the principles of international law above cited a neutral State need not prevent furnishing supplies of this character; neither can it, after allowing the adversaries to be furnished with contraband, either detain or in any way disable a merchant ship carrying such a cargo. Only when contraband trade would turn the ports into bases of German military operations would the unilateral stoppage of the trade of those vessels become a duty. Such, perhaps, would be the case if the Germans kept coal depots in the ports or if the vessels called at the port in regular voy-

ages on the way to German naval forces. But it stands to reason that one merchant vessel occasionally sailing with coal or supplies for German warships does not turn a neutral port into a German point of support contrary to neutrality.

Our enemies draw from the United States contraband of war, especially arms, worth several billions of marks. This in itself they are authorized to do. But if the United States will prevent our warships occasionally drawing supplies from its ports, a great injustice grows out of the authorization, for it would amount to an unequal treatment of the belligerents and constitute a breach of the generally accepted rules of neutrality to Germany's detriment.

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*The Secretary of State to the German Ambassador.*

DEPARTMENT OF STATE,  
*Washington, December 24, 1914.*

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 15th instant enclosing, by direction of your Government, a copy of a memorandum of the Imperial Government on the subject of the delivery of coal and other necessities to warships of belligerent States. In the course of the memorandum your Government takes the opportunity to set forth its attitude toward traffic in contraband of war by citizens of neutral countries. I take note, therefore, of your Government's statement that "under the general principles of international law no exception can be taken to neutral States letting war material go to Germany's enemies from or through neutral territory," and that the adversaries of Germany in the present war are, in the opinion of the Imperial Government, authorized to "draw from the United States contraband of war, especially arms, worth several billions of marks." These principles, as you state, have been accepted by the United States Government in the statement issued by the Department on October 15 last, entitled "Neutrality and Trade in Contraband." Acting in conformity with propositions there set forth this Government has itself taken no part in contraband traffic and so far as possible has lent its influence toward equal treatment for all belligerents in the matter of purchasing arms and ammunition in the United States. Complaint, however, appears to be made by the Imperial German Government of the refusal of clearance by American authorities to merchant vessels intending to furnish fuel and supplies to German warships on the high seas or in neutral ports.

In reply I desire to call to your attention that the Government is not

aware that any merchant vessel has been refused a clearance on these grounds during the present war, although certain temporary detentions have been found to be necessary for the purpose of investigating the *bona fides* of the alleged destinations of particular vessels and the intentions of their owners or masters. This has been done in an effort to carry out the principles of international law and the declaration of treaties with respect to coal supplies for belligerent warships and the use of neutral ports as bases of naval operations. Although as a rule there is on the part of the nationals of neutral countries entire freedom of trade in arms, ammunition, and other articles of contraband, nevertheless the Imperial German Government will recall that international law and the treaties declaratory of its principles make a clear distinction between ordinary commerce in contraband of war and the occasional furnishing of warships at sea or in neutral ports. In this relation I venture to advert to Articles 18 to 20, inclusive, of Hague Convention No. 13, 1907. From these articles it will be observed that a warship which has received fuel in a port belonging to a neutral power may not within the succeeding three months replenish her supply in a port of the same power. It is, I am sure, only necessary to call your attention to these articles to make it perfectly clear that if a number of merchant vessels may at short intervals leave neutral ports with cargoes of coal for transshipment to belligerent warships at sea, regardless of when the warships last received fuel in the ports of the same neutral power, the conventional prohibition would be nullified, and the three months' rule rendered useless. By such practice a warship might remain on its station engaged in belligerent operations without the inconvenience of repairing to port for fuel supplies.

Furthermore, Article 5, of the same Convention, forbids belligerents to use neutral ports and waters as a base of naval operations against their adversaries. As stated in the Department's statement on "Merchant Vessels Suspected of Carrying Supplies to Belligerent Vessels," dated September 19 last (a copy of which is enclosed),<sup>1</sup> the essential idea of neutral territory becoming the base for naval operations by a belligerent is in the opinion of this Government *repeated* departure from such territory of merchant vessels laden with fuel or other supplies for belligerent warships at sea. In order to ascertain the vessels which are thus operating, the Government has been obliged to investigate certain cases in order that it might determine whether there have been or are about

<sup>1</sup> See Part IX, p. 235.

to be repetitions of such acts. But in all respects equality of treatment has been observed toward all merchant vessels suspected of carrying supplies to belligerent vessels.

It is hardly necessary to recount in this note the provisions of the Hague Conventions in regard to the fitting out or arming of vessels within the jurisdiction of a neutral power, or the stipulations in the same Conventions regarding the departure of vessels intended to cruise or engage in hostile operations which have been adopted entirely, or in part, for such use within neutral jurisdiction. To the extent of these restrictions the furnishing of munitions of war included in absolute contraband is prohibited in neutral waters, and therefore should not be permitted indirectly by means of naval tenders, or merchant vessels acting as tenders, carrying such materials from a neutral jurisdiction to belligerent warships at sea.

It is not necessary in further reply to the memorandum of the Imperial German Government to advert in detail to other provisions of the Hague Conventions or to other rules of international law, for no particular cases have been adduced as a ground for your Government's complaint. If, however, they will specify the vessels which they must have in mind as having been accorded unequal treatment, the Department will be glad to give further consideration to the memorandum of your Government in the light of actual facts. It is then sufficient to say for the present that in the pursuance of the policy to carry out the principles above referred to, which is part of the program of this Government to preserve and maintain the neutrality of the United States, all merchant vessels suspected of carrying supplies to belligerent warships at sea have been subjected, and will continue to be subjected, to unremitting and painstaking investigation. Such action cannot, it is believed, be fairly taken to amount to "unequal treatment of the belligerents and constitute a breach of the generally accepted rules of neutrality to Germany's detriment."

Accept, etc.,

W. J. BRYAN.

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*The British Ambassador to the Secretary of State.*

BRITISH EMBASSY,

*Washington, March 24th, 1915.*

DEAR MR. SECRETARY: Referring to unofficial correspondence which has taken place concerning the British cruisers in the North Atlantic, I

beg to state that renewed orders have been issued impressing on His Majesty's Officers the duty of strictly observing the terms of the United States neutrality regulations.

I am, etc.,

CECIL SPRING-RICE.

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*The Secretary of State to the British Ambassador.*

DEPARTMENT OF STATE,  
*Washington, March 27, 1915.*

MY DEAR MR. AMBASSADOR: I have received your informal note of the 24th instant concerning the observance of the American neutrality regulations by the British cruisers in the North Atlantic. In this relation I desire to call to your attention certain information which has come to my notice with reference to the operations of belligerent cruisers in the North Pacific. I have been reliably informed that several times during the past winter belligerent ships of war have taken on coal, and perhaps other supplies, within the territorial waters of the United States in the vicinity of the islands off the Santa Barbara channel, southern California, and have had communication with the mainland in this locality. One circumstance in particular occurred, according to my information, on the 27th of February last, when the British steamship *Bellerophon*, of Liverpool, coaled the British cruiser *Rainbow* within a mile of the western shore of Anacapa Island. It appears that at the same time a launch left the vicinity of Hueneme, Cal., and communicated with the vessels above mentioned. I should appreciate the kindness if you will bring this matter informally to the attention of your Government, and, if the facts, upon examination, prove to be as represented, request your Government to issue such instructions to their fleet as will make a recurrence of such violations of the neutrality of the territorial waters of the United States impossible.

I am, etc.,

For the Secretary of State:  
ROBERT LANSING.

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*The British Ambassador to the Secretary of State.*

BRITISH EMBASSY,  
*Washington, March 29, 1915.*

MY DEAR MR. SECRETARY: I beg to acknowledge your informal letter of the 27th instant, in which you bring to my attention certain informa-



tion in your possession relative to the operations of British warships in the Pacific and in particular the report that the British steamship *Bellerophon* coaled His Majesty's Ship *Rainbow* on the 27th of February within a mile of Anacapa Island.

I am bringing this matter at once to the attention of my Government and shall take pleasure in communicating further with you upon the subject as soon as I am in a position to do so.

I am, etc.,

CECIL SPRING-RICE.

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*The British Ambassador to the Counselor.*

BRITISH EMBASSY,  
*Washington, April 5th, 1915.*

DEAR MR. COUNSELOR: In view of rumours circulated in the German press as to British cruisers systematically provisioning themselves from United States territory—notably New York—I beg to quote for your information the following extract from a letter of the Admiral in Command of the North American Station dated March 26:

Except on the one occasion in September last, which formed the basis of the complaint referred to in your telegram, I am satisfied that no attempt has been made to order anything from United States territory, and I would point out that apart from the fact that the provisioning of His Majesty's ships off New York is rendered quite unnecessary by their being regularly relieved, the obtaining of supplies in such a manner is open to two strong objections from a naval point of view, viz:

(1) The amount of provisions required to be of any use would be so large that they could hardly be embarked undetected, and it would take a considerable time to transfer them at sea.

(2) In wintry weather such a transfer would often be a matter of difficulty and not worth the risk to men and boats. I can not but think the United States Navy Department are alive to these considerations.

I am, etc.,

CECIL SPRING-RICE.

## PART IX.

## DEFENSIVE ARMAMENT AND THE RIGHT OF DEPARTURE FROM NEUTRAL PORTS OF BELLIGERENT MERCHANT SHIPS TO ARM AT SEA.

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*The British Chargé to the Secretary of State.*

No. 252.]

BRITISH EMBASSY,  
*Washington, August 4, 1914.*

SIR: In view of the state of war now existing between Great Britain and Germany, I have the honour, under instructions from His Majesty's Principal Secretary of State for Foreign Affairs, to make the following communication to you in respect to the arming of any merchant vessels in neutral waters.

As you are aware it is recognized that a neutral Government is bound to use due diligence to prohibit its subjects or citizens from the building and fitting out to order of belligerents vessels intended for warlike purposes and also to prevent the departure of any such vessel from its jurisdiction. The starting point for the universal recognition of this principle was the three rules formulated in Article VI of the Treaty between Great Britain and the United States of America for the amicable settlement of all causes of differences between the two countries, signed at Washington on May 8, 1871. These rules, which His Majesty's Government and the United States Government agreed to observe as between themselves in future, are as follows:

A neutral Government is bound—

First. To use due diligence to prevent the fitting out, arming, or equipping, within its jurisdiction, of any vessel which it has reasonable ground to believe is intended to cruise or to carry on war against a Power with which it is at peace; and also to use like diligence to prevent the departure from its jurisdiction of any vessel intended to cruise or carry on war as above, such vessel having been specially adapted, in whole or in part, within such jurisdiction to warlike use.

Secondly. Not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms, or the recruitment of men.

Thirdly. To exercise due diligence in its own ports and waters, and, as to all persons within its jurisdiction, to prevent any violation of the foregoing obligations and duties.

The above rules may be said to have acquired the force of generally recognized rules of International Law, and the first of them is reproduced almost textually in Article VIII of The Hague Convention Number 13 of 1907 concerning the Rights and Duties of Neutral Powers in case of Maritime Warfare, the principles of which have been agreed to by practically every maritime State.

It is known, however, that Germany, with whom Great Britain is at war, favours the policy of converting her merchant vessels into armed ships on the High Seas, and it is probable, therefore, that attempts will be made to equip and despatch merchantmen for such conversion from the ports of the United States.

It is probable that, even if the final completion of the measures to fit out merchantmen to act as cruisers may have to be effected on the High Seas, most of the preliminary arrangements will have been made before the vessels leave port, so that the warlike purpose to which they are to be put after leaving neutral waters must be more or less manifest before their departure.

In calling your attention to the above mentioned "Rules of the Treaty of Washington" and The Hague Convention, I have the honour to state that His Majesty's Government will accordingly hold the United States Government responsible for any damages to British trade or shipping, or injury to British interests generally, which may be caused by such vessels having been equipped at, or departing from, United States ports.

I have, etc.,

COLVILLE BARCLAY.

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*The British Chargé d'Affaires to the Secretary of State.*

No. 259.]

BRITISH EMBASSY,  
*Washington, August 9, 1914.*

SIR: With reference to my note No. 252 of the 4th instant, I have the honour to inform you that I have now received instructions from Sir Edward Grey to make a further communication to you in explanation of the position taken by His Majesty's Government in regard to the question of armed merchantmen.

As you are no doubt aware, a certain number of British merchant vessels are armed, but this is a precautionary measure adopted solely for the purpose of defence, which, under existing rules of international law, is the right of all merchant vessels when attacked.

According to the British rule, British merchant vessels can not be converted into men-of-war in any foreign port, for the reason that Great Britain does not admit the right of any Power to do this on the High Seas. The duty of a neutral to intern or order the immediate departure of belligerent vessels is limited to actual and potential men-of-war, and, in the opinion of His Majesty's Government, there can therefore be no right on the part of neutral Governments to intern British armed merchant vessels, which can not be converted into men-of-war on the High Seas, nor to require them to land their guns before proceeding to sea.

On the other hand, the German Government have consistently claimed the right of conversion on the High Seas, and His Majesty's Government therefore maintain their claim that vessels which are adapted for conversion and under German rules may be converted into men-of-war on the High Seas should be interned in the absence of binding assurances, the responsibility for which must be assumed by the neutral Government concerned, that they shall not be so converted.

I have, etc.,

COLVILLE BARCLAY.

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*The British Chargé to the Secretary of State.*

No. 264.]

BRITISH EMBASSY,

Washington, August 12, 1914.

SIR: With reference to my notes Nos. 252 and 259 of August 4 and August 9, respectively, stating and explaining the position taken up by His Majesty's Government in regard to the question of armed merchantmen, I have the honour to state that I have now been informed by Sir Edward Grey that exactly similar instructions were at the same time issued by him to His Majesty's representatives in practically all neutral countries to address the same communications to the respective Governments to which they were accredited.

I have, etc.,

COLVILLE BARCLAY.

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*The Secretary of State to the British Chargé d'Affaires.*

DEPARTMENT OF STATE,

Washington, August 19, 1914.

SIR: I have the honor to acknowledge the receipt of your communication No. 252 of the 4th instant, which was made to this Government in

pursuance of instructions from His Majesty's Principal Secretary of State for Foreign Affairs, with respect to the arming of merchant vessels in neutral waters.

The communication states the principles of neutrality, as contained in the treaty signed at Washington on May 8, 1871, by representatives of the United States and Great Britain, and reproduced, as you say, almost textually in Article VIII of The Hague Convention, signed October 18, 1907, concerning the Rights and Duties of Neutral Powers in case of Maritime Warfare, the principles of which have been, as you state, agreed to by practically every maritime power.

The communication next considers the question of conversion of enemy merchantmen on the high seas, a policy which your Government opposes. It is then stated that Germany favors the policy of conversion; that it will probably attempt to use the ports of the United States to equip and despatch merchantmen for conversion from such ports; and that most of the preliminary arrangements leading to conversion will have to be made within neutral ports before the vessels proceed to the high seas to complete their transformation into vessels of war.

The purpose of the communication is apparently to lay down the principles of law which your Government believe should be applied by the United States in fulfilling its neutral obligations, especially in the matter of conversion of merchant vessels into war vessels, and, assuming these principles to be correct, to tax this Government with damages to British trade or shipping, or injury to British interests generally, if these principles, the correctness of which you assume, are not applied to German merchant vessels "equipped at, or departing from, United States ports."

In acknowledging this communication, it does not seem appropriate to enter into any discussion as to what may or what may not be the policy of Germany in the matter of converting its merchant ships, which may be within the jurisdiction of the United States, into ships of war after they have left American ports and have reached the high seas. The assertion of the right so to convert merchant ships upon the high seas, made by Germany at The Second Hague Conference and maintained at the London Naval Conference, does not of itself indicate an intention on the part of the German Government to exercise this right, and this Department does not feel justified in its correspondence with foreign governments, to assume, in the absence of specific information, an intention on the part of Germany so to do. The Department will, however,

carefully examine the facts and circumstances of any particular case when it is called to its attention.

The question of the place where the belligerent right of conversion may be exercised, difficult in itself, is complicated by the fact that there has been a difference of opinion among the maritime states parties to the present war, and that at the conferences, to which reference has been made, the British delegation stated that there was no rule of international law on the question. Germany and Austria-Hungary insisted at the conferences upon the right to convert merchant vessels upon the high seas. France and Russia, allies of Great Britain in the present war, likewise insisted upon the right so to convert. Great Britain and Belgium intimately associated with France and Russia in the prosecution of hostilities against Germany and Austria-Hungary, opposed the right of conversion on the high seas at The Second Hague Conference, where both these nations were represented; and at the London Naval Conference, to which Belgium was not invited and in which it did not participate, Great Britain maintained its previous attitude. It is thus seen that the right to convert merchant vessels upon the high seas was asserted in international conferences by four of the maritime countries now at war and that two of the maritime nations now at war opposed this contention. It is further seen that the maritime nations at war with Germany and Austria-Hungary are evenly divided on this question.

At The Second Hague Conference, the British delegation, opposing conversion on the high seas, stated that there was no rule of international law on the question; that in its carefully prepared memorandum presented to the Powers invited to the London Naval Conference, the British Government held that "no general practice of nations has prevailed in the past on this point from which any principles can be deduced and formulated as the established rules of international law. So far as can be ascertained there are no precedents on the subject."

In the official report of the conference, drafted by Mr. Renault, it is stated that agreement on conversion upon the high seas was impossible; and, in the report of the British delegates to their Government, it is said:

We were met with a refusal to make any concessions or to abate one jot from the claim to the absolutely unfettered exercise of the right, which its advocates vindicate as a rule forming part of the existing law of nations. In these circumstances we felt that we had no option but to decline to admit the right, and the result is that the question remains an open one.

It is obvious that the subject of conversion must be carefully examined and considered, and, in view of these circumstances, it is deemed by the Department of State inexpedient to declare a policy as to what measures it will take in a contingency which has not yet arisen, and that it may well content itself, in so far as this matter is concerned, with an acknowledgment of your note.

In the course of your communication it is stated as recognized "that a neutral Government is bound to use due diligence to prohibit its subjects or citizens from the building or fitting out to the order of belligerents vessels intended for warlike purposes and also to prevent the departure of such vessels from its jurisdiction." It is asserted in this connection that "the starting point for the universal recognition of this principle was the three rules formulated in Article VI of the Treaty between Great Britain and the United States of America for the amicable settlement of all causes of difference between the two countries, signed at Washington on May 8, 1871." After quoting the Three Rules of Washington, the note thus continues:

The above rules may be said to have acquired the force of generally recognized rules of international law, and the first of them is reproduced almost textually in Article VIII of the Hague Convention Number 13 of 1907 concerning the Rights and Duties of Neutral Powers in case of maritime warfare, the principles of which have been agreed to by practically every maritime State.

As the communication apparently lays great stress on the expression "due diligence," contained in the Treaty of Washington, it is believed material to the present occasion to quote the following definition of it, contained in the Geneva Award of 1872:

The "due diligence" referred to in the first and third of the said rules ought to be exercised by neutral Governments in exact proportion to the risks to which either of the belligerents may be exposed, from a failure to fulfill the obligations of neutrality on their part.

The expression "due diligence" was contained in the draft submitted by the British delegation to The Second Hague Conference, upon which Article VIII was based. Article VIII as finally adopted is as follows:

#### Article VIII.

A neutral Government is bound to employ the means at its disposal to prevent the fitting out or arming of any vessel within its jurisdiction which it has reason to believe is intended to cruise, or engage in hostile, operations against a Power with which that Government is at peace. It is also bound to display the same vigilance

to prevent the departure from its jurisdiction of any vessel intended to cruise, or engage in hostile operations, which had been adapted entirely or partly within the said jurisdiction for use in war.

As the expression "due diligence" was considered obscure, it was rejected, as the learned reporter of the convention, Mr. Louis Renault, says in the elaborate report which accompanies the convention, and which is, in accordance with the practice of international conferences, to be considered as the official and authoritative interpretation of the convention which it explains, justifies, and interprets. "The expression of *due diligence*," he says, "which has become celebrated by its obscurity since its solemn interpretation, was rejected. The convention merely requires in the first instance (*On se content de dire d'abord*) that the neutral is bound to employ the means at its disposal \* \* \* then, to display the same vigilance."

It is to be presumed that Article VIII which "reproduced almost textually" the first rule of the Treaty of Washington, is to be interpreted in the sense in which Mr. Renault's report shows it to have been adopted, especially as Great Britain and the United States have ratified the convention without any objection or reservation as to Article VIII thereof.

It seems obvious therefore that by neither the terms nor the interpretation of the provisions of the treaties on this point is the United States bound to assume the attitude of an insurer. Consequently the United States disclaims as a correct statement of its responsibility the assertion in your note that "His Majesty's Government will accordingly hold the United States Government responsible for any damages to British trade or shipping, or injury to British interests generally, which may be caused by such vessels having been equipped at, or departing from, United States ports."

The United States has always looked upon the Three Rules of Washington as declaratory of international law, and as the necessary and natural consequences of the doctrine of neutrality, proclaimed and enforced by the United States since the wars of the French Revolution, to which Great Britain was a party. The Three Rules can, in the opinion of this Government, only be considered as the starting point of the doctrine of that degree of diligence which a neutral should observe in the sense that its recognition by Great Britain in an important international controversy called marked attention to an existing doctrine, and furnished an incentive to its incorporation and definition in the Hague



Convention concerning the Rights and Duties of Neutral Powers in case of maritime warfare.

The United States, since the earliest days of its existence, has been as solicitous of its neutral duties as of its neutral rights, and, without further consideration of your communication at this time I request you to state to your Government that there is no reason to anticipate that the United States will be less mindful of its duties or of its rights as a neutral in the present case than it has been in the past.

I have, etc.,

W. J. BRYAN.

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*The Secretary of State to the British Chargé.*

DEPARTMENT OF STATE,  
*Washington, August 20, 1914.*

SIR: I have the honor to acknowledge the receipt of your communication No. 259 of the 9th instant, made to the Department of State under instructions from Sir Edward Grey, in regard to the question of armed merchantmen, informing this Government that a certain number of the British merchant vessels are armed as a precautionary measure for the purpose of defense, and maintaining that such merchant vessels can not be considered as vessels of war or subjected to the treatment properly accorded to vessels of the latter category in neutral ports.

In the last paragraph of this communication, you call attention to the right claimed by the German Government, in accordance with its rules, to convert its merchant vessels upon the high seas into vessels of war, and the communication states the contention of the British Government that the neutral Government concerned is taxed with responsibility if it does not intern such vessels, in the absence of binding assurances that they will not be converted into men-of-war on the high seas.

The Department of State acknowledges without comment the statement of British policy in such matters and also the British understanding of Germany's intentions and policy, but as to the responsibility of the United States in the premises, you are referred to Department's note of the 19th instant replying to your note No. 252 of the 4th instant.

I have, etc.,

For the Secretary of State:  
ROBERT LANSING.

*The British Ambassador to the Secretary of State.*

No. 289.]

BRITISH EMBASSY,  
*Washington, August 25, 1914.*

SIR: With reference to Mr. Barclay's notes Nos. 252 and 259 of the 4th and 9th of August, respectively, fully explaining the position taken up by His Majesty's Government in regard to the question of armed merchantmen, I have the honour, in view of the fact that a number of British armed merchantmen will now be visiting United States ports, to reiterate that the arming of British merchantmen is solely a precautionary measure adopted for the purpose of defence against attack from hostile craft.

I have at the same time been instructed by His Majesty's Principal Secretary of State for Foreign Affairs to give the United States Government the fullest assurances that British merchant vessels will never be used for purposes of attack, that they are merely peaceful traders armed only for defence, that they will never fire unless first fired upon, and that they will never under any circumstances attack any vessel.

I have, etc.,

CECIL SPRING-RICE.

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*The Secretary of State to the British Ambassador.*DEPARTMENT OF STATE,  
*Washington, August 29, 1914.*

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 25th instant in which, referring to previous correspondence, you state that, in view of the fact that a number of British armed merchantmen will now be visiting United States ports, you desire to reiterate that the arming of British merchantmen is solely a precautionary measure adopted for the purpose of defence against attack from hostile craft. You add that you have been instructed by His Majesty's Principal Secretary of State for Foreign Affairs to give the Government of the United States the fullest assurances that British merchant vessels will never be used for purposes of attack, that they are merely peaceful traders armed only for defence, that they will never fire unless first fired upon, and that they will never under any circumstances attack any vessel.

I have, etc.,

W. J. BRYAN.

*The British Ambassador to the Secretary of State.*

No. 302.]

BRITISH EMBASSY,  
*Washington, September 4, 1914.*

SIR: I have the honour to inform you that at the request of your Department I drew the attention of my Government to the fact that two British merchant vessels—the *Adriatic* and the *Merrion*—were at present in United States ports, and that they were carrying guns—the former four and the latter six. I added that the fact of these vessels carrying guns was likely to lead to the raising of difficult questions as to the enforcement by the United States Government of the neutrality of American ports, although an assurance had been given that these guns would only be used for defensive purposes and in case the merchant vessels in question were attacked by an enemy ship when on a commercial voyage.

I have now received a reply from Sir Edward Grey, in which he informs me that His Majesty's Government hold the view that it is not in accordance with neutrality and international law to detain in neutral ports merchant vessels armed with purely defensive armaments. But in view of the fact that the United States Government is detaining armed merchant vessels prepared for offensive warfare, and in order to avoid the difficult questions of the character and degree of armament which would justify detention, His Majesty's Government have made arrangements for landing the guns of the *Merrion*, the *Adriatic* having already sailed before the orders reached her. In the case of the latter ship, the passenger list and cargo had proved that she was proceeding to sea on ordinary commercial business. These and other papers relative to the case will be duly communicated to your Department.

This action has been taken without prejudice to the general principle which His Majesty's Government have enunciated and to which they adhere.

It is presumed that no objection will be raised by your Government to the guns being shipped subsequently to England as cargo in some vessel without mountings or ammunition.

I have, etc.,

CECIL SPRING-RICE.

*Memorandum from the British Embassy.*

BRITISH EMBASSY,

*Washington, September 7, 1914.*

The British Ambassador presents his compliments to the Secretary of State of the United States and, with reference to his note No. 302 of September 4, has the honour to state that he is informed by the British Consul General that the steamship *Adriatic*, which sailed from New York on September 3 with four guns mounted and 200 rounds of ammunition, took 28 first-class passengers, 43 second, and 89 third. She also took 637 bags of mail and a general cargo of provisions and manufactured goods. She had no war material on board and no army reservists.

These data bear out the assurances that the *Adriatic* is bound on a peaceful commercial voyage and that her armament is destined solely for defensive purposes.

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*Memorandum from the British Embassy.*

BRITISH EMBASSY,

*Washington, September 9, 1914.*

The German Government have openly entered upon the policy of arming merchant ships as commerce destroyers and even claim the right to carry out the process of arming and equipping such merchant ships in neutral harbours or on the high seas. It is in consequence of this that the British Admiralty have been compelled, in accordance with the practice followed in the great wars of history, to arm a certain number of British merchant ships for self-defence only.

The practice of arming ships in self-defence is very old and has been ordered by Royal proclamation in England from early in the seventeenth century. During the Napoleonic wars the right to arm in self-defence was recognized by British and United States Prize Courts in the cases of the *Catherine Elizabeth* (British) and the *Nereide* (United States). The right of a merchant ship of a belligerent to carry arms and resist capture is clearly and definitely laid down in modern times. The right of resistance of merchant vessels is recognized by the United States Naval War Code, by the Italian Code for Mercantile Marine, and by the Russian Prize Regulations. Writers of authority in many European countries also recognize the right. To mention a German authority, it may be stated that the late Dr. Perels, at one time legal adviser to the

German Admiralty, quotes with approval Article 10 of the United States Naval War Code, which states "the prisoners of merchant vessels of an enemy who in self-defence and in protection of the vessel placed in their charge resist an attack, are entitled to the status of prisoners of war." The Institute of International Law at its meeting in 1913 prepared and adopted a manual of the laws of naval warfare, Article 10 of which expressly declared that private ships are allowed to employ force to defend themselves against the attack of an enemy's ship.

A merchant vessel armed purely for self-defence is therefore entitled under international law to enjoy the status of a peaceful trading ship in neutral ports and His Majesty's Government do not ask for better treatment for British merchant ships in this respect than might be accorded to those of other Powers. They consider that only those merchant ships which are intended for use as cruisers should be treated as ships of war and that the question whether a particular ship carrying an armament is intended for offensive or defensive action must be decided by the simple criterion whether she is engaged in ordinary commerce and embarking cargo and passengers in the ordinary way. If so, there is no rule in international law that would justify such vessel even if armed being treated otherwise than as a peaceful trader.

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*Memorandum from the British Embassy.*

BRITISH EMBASSY,  
*Washington, September 9, 1914.*

In a memorandum of to-day's date the British Ambassador has set forth the grounds upon which His Majesty's Government hold that British merchant vessels which are armed for defensive purposes only are entitled to be treated as peaceful trading vessels.

In urging this view upon the consideration of the United States Government the British Ambassador is instructed to state that it is believed that German merchant vessels with offensive armament have escaped from American ports, especially from ports in South America to prey upon British commerce in spite of all the precautions taken. German cruisers in the Atlantic continue by one means or another to obtain ample supplies of coal shipped to them from neutral ports, and if the United States Government take the view that British merchant vessels

which are bona fide engaged in commerce and carry guns at the stern only are not permitted purely defensive armament, unavoidable injury may ensue to British interests and indirectly also to United States trade which will be deplorable.

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*The Acting Secretary of State to the German Ambassador.*<sup>1</sup>

DEPARTMENT OF STATE,  
*Washington, September 19, 1914.*

DEAR MR. AMBASSADOR: I am inclosing for your information two memoranda, which the Department has issued to-day and which define the general rules which this Government will follow in dealing with cases involving the status of armed merchant vessels visiting American ports, and with cases of merchant vessels suspected of carrying supplies to belligerent warships from American ports.

I am, etc.,

ROBERT LANSING.

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[Inclosure 1.]

THE STATUS OF ARMED MERCHANT VESSELS.

A. A merchant vessel of belligerent nationality may carry an armament and ammunition for the sole purpose of defense without acquiring the character of a ship of war.

B. The presence of an armament and ammunition on board a merchant vessel creates a presumption that the armament is for offensive purposes, but the owners or agents may overcome this presumption by evidence showing that the vessel carries armament solely for defense.

C. Evidence necessary to establish the fact that the armament is solely for defense and will not be used offensively, whether the armament be mounted or stowed below, must be presented in each case independently at an official investigation. The result of the investigation must show conclusively that the armament is not intended for, and will not be used in, offensive operations. •

Indications that the armament will not be used offensively are:

1. That the caliber of the guns carried does not exceed six inches.
2. That the guns and small arms carried are few in number.
3. That no guns are mounted on the forward part of the vessel.
4. That the quantity of ammunition carried is small.
5. That the vessel is manned by its usual crew, and the officers are the same as those on board before war was declared.

<sup>1</sup> (Same to the British, French, and Japanese Ambassadors in Washington, and the Belgian Minister.)

6. That the vessel intends to and actually does clear for a port lying in its usual trade route, or a port indicating its purpose to continue in the same trade in which it was engaged before war was declared.

7. That the vessel takes on board fuel and supplies sufficient only to carry it to its port of destination, or the same quantity substantially which it has been accustomed to take for a voyage before war was declared.

8. That the cargo of the vessel consists of articles of commerce unsuited for the use of a ship of war in operations against an enemy.

9. That the vessel carries passengers who are as a whole unfitted to enter the military or naval service of the belligerent whose flag the vessel flies, or of any of its allies, and particularly if the passenger list includes women and children.

10. That the speed of the ship is slow.

D. Port authorities, on the arrival in a port of the United States of an armed vessel of belligerent nationality, claiming to be a merchant vessel, should immediately investigate and report to Washington on the foregoing indications as to the intended use of the armament, in order that it may be determined whether the evidence is sufficient to remove the presumption that the vessel is, and should be treated as, a ship of war. Clearance will not be granted until authorized from Washington, and the master will be so informed upon arrival.

E. The conversion of a merchant vessel into a ship of war is a question of fact which is to be established by direct or circumstantial evidence of intention to use the vessel as a ship of war.

DEPARTMENT OF STATE,

*September 19, 1914.*

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[Inclosure 2.]

MERCHANT VESSELS SUSPECTED OF CARRYING SUPPLIES TO BELLIGERENT VESSELS.

1. A base of operations for belligerent warships is presumed when fuel or other supplies are furnished at an American port to such warships more than once within three months since the war began, or during the period of the war, either directly or by means of naval tenders of the belligerent or by means of merchant vessels of belligerent or neutral nationality acting as tenders.

2. A common rumor or suspicion that a merchant vessel laden with fuel or other naval supplies intends to deliver its cargo to a belligerent warship on the high seas, when unsupported by direct or circumstantial evidence, imposes no duty on a neutral government to detain such merchant vessel even for the purpose of investigating the rumor or suspicion, unless it is known that the vessel has been previously engaged in furnishing supplies to a belligerent warship.

3. Circumstantial evidence, supporting a rumor or suspicion that a merchant vessel intends to furnish a belligerent warship with fuel or other supplies on the high seas, is sufficient to warrant detention of the vessel until its intention can be investigated in the following cases:

(a) When a belligerent warship is known to be off the port at which the merchant vessel is taking on cargo suited for naval supplies, or when there is a strong presumption that the warship is off the port.

(b) When the merchant vessel is of the nationality of the belligerent whose warship is known to be off the coast.

(c) When a merchant vessel which has on a previous voyage between ports of the United States and ports of other neutral States failed to have on board at the port of arrival a cargo consisting of naval supplies shipped at the port of departure seeks to take on board a similar cargo.

(d) When coal or other supplies are purchased by an agent of a belligerent Government and shipped on board a merchant vessel which does not clear for a port of the belligerent but for a neighboring neutral port.

(e) When an agent of a belligerent is taken on board a merchant vessel having a cargo of fuel or other supplies and clearing for a neighboring neutral port.

4. The fact that a merchant vessel, which is laden with fuel or other naval supplies, seeks clearance under strong suspicion that it is the intention to furnish such fuel or supplies to a belligerent warship, is not sufficient ground to warrant its detention, if the case is isolated and neither the vessel nor the warship for which the supplies are presumably intended has previously taken on board similar supplies since the war began or within three months during the period of the war.

5. The essential idea of neutral territory becoming the base for naval operations by a belligerent is *repeated* departure from such territory by a naval tender of the belligerent or by a merchant vessel in belligerent service which is laden with fuel or other naval supplies.

6. A merchant vessel, laden with naval supplies, clearing from a port of the United States for the port of another neutral nation, which arrives at its destination and there discharges its cargo, should not be detained if, on a second voyage, it takes on board another cargo of similar nature.

In such a case the port of the other neutral nation may be a base for the naval operations of a belligerent. If so and even if the fact is notorious, this Government is under no obligation to prevent the shipment of naval supplies to that port. Commerce in munitions of war between neutral nations can not as a rule be a basis for a claim of unneutral conduct, even though there is a strong presumption or actual knowledge that the neutral State, in whose port the supplies are discharged, is permitting its territory to be used as a base of supply for belligerent warships. The duty of preventing an unneutral act rests entirely upon the neutral State whose territory is being used as such a base.

In fact this principle goes further in that, if the supplies were shipped directly to an established naval base in the territory or under the control of a belligerent, this Government would not be obligated by its neutral duty to limit such shipments or detain or otherwise interfere with the merchant vessels engaged in that trade. A neutral can only be charged with unneutral conduct when the supplies, furnished to a belligerent warship, are furnished directly to it in a port of the neutral or through naval tenders or merchant vessels acting as tenders departing from such port.

7. The foregoing propositions do not apply to furnishing munitions of war included in absolute contraband, since in no event can a belligerent warship take on board such munitions in neutral waters, nor should it be permitted to do so indirectly by means of naval tenders or merchant vessels acting as such tenders.

DEPARTMENT OF STATE,  
September 19, 1914.



*The Acting Secretary of State to the British Ambassador.*

No. 500.]

DEPARTMENT OF STATE,  
*Washington, September 26, 1914.*

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 4th instant, in which, with reference to the presence in American ports of the British armed merchant vessels *Adriatic* and *Merrion*, you advise the department of the receipt of a despatch from Sir Edward Grey in which he states that His Majesty's Government holds the view that it is not in accordance with neutrality and international law to detain in neutral ports merchant vessels armed with purely defensive armaments.

In reply I have the honor to state that this Government has had the matter of the status of armed merchant vessels under consideration, and that it has already made a public announcement thereon.

In this relation I have also the honor to acknowledge the receipt of your Embassy's memorandum of the 7th instant, announcing the departure of the *Adriatic* from New York, and pointing out that, as she had no war material on board and carried no army reservists, these data bear out the assurances that the *Adriatic* was bound on a peaceful commercial voyage and that her armament was destined solely for defensive purposes.

I have, etc.,

ROBERT LANSING.

*The Secretary of State to Ambassador Gerard.*

No. 143.]

DEPARTMENT OF STATE,  
*Washington, September 29, 1914.*

SIR: I transmit herewith, for the information of the German Government, copies of two memoranda issued by this Department which define the general rules which the Government of the United States will follow in dealing with cases involving the status of armed merchant vessels visiting American ports, and with cases of merchant vessels suspected of carrying supplies to belligerent warships from American ports.

Copies of these memoranda were also sent to the German Ambassador here, and it is at his request that the copies herewith are sent for communication to his Government.

I am, etc.,

For the Secretary of State:  
ROBERT LANSING.

*Ambassador Gerard to the Secretary of State.*

[Telegram—Paraphrase.]

AMERICAN EMBASSY,

*Berlin, October 15, 1914. 7 p. m.*

Mr. Gerard transmits the following memorandum which he says he has received from the German Foreign Office:

"An official notice appearing in the Westminster Gazette of September 21, 1914, states that the Department of State at Washington has ruled that ships of belligerent nations when equipped with ammunition and armament shall be treated nevertheless, while in American ports, as merchant ships, provided the armament serves for defensive purposes only. This ruling wholly fails to comply with the principles of neutrality. The equipment of British merchant vessels with artillery is for the purpose of making armed resistance against German cruisers. Resistance of this sort is contrary to international law, because in a military sense a merchant vessel is not permitted to defend itself against a war vessel, an act of resistance giving the warship \* \* \*<sup>1</sup> with crew and passengers. It is a question whether or not ships thus armed should be admitted into ports of a neutral country at all. Such ships, in any event, should not receive any better treatment in neutral ports than a regular warship, and should be subject at least to the rules issued by neutral nations restricting the stay of a warship. If the Government of the United States considers that it fulfills its duty as a neutral nation by confining the admission of armed merchant ships to such ships as are equipped for defensive purposes only, it is pointed out that so far as determining the warlike character of a ship is concerned, the distinction between the defensive and offensive is irrelevant. The destination of a ship for use of any kind in war is conclusive, and restrictions as to the extent of armament afford no guarantee that ships armed for defensive purposes only will not be used for offensive purposes under certain circumstances.

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*The Acting Secretary of State to Ambassador Gerard.*

[Telegram.]

DEPARTMENT OF STATE,

*Washington, November 7, 1914.*

Your 515, October 15th. The Government of the United States is obliged to dissent from the views of the German Government as ex-

<sup>1</sup> Omission.

pressed in your telegram in regard to the treatment to be accorded armed merchant vessels of belligerent nationality in neutral ports. The practice of a majority of nations and the consensus of opinion by the leading authorities on international law, including many German writers, support the proposition that merchant vessels may arm for defense without losing their private character and that they may employ such armament against hostile attack without contravening the principles of international law.

The purpose of an armament on a merchant vessel is to be determined by various circumstances, among which are the number and position of the guns on the vessel, the quantity of ammunition and fuel, the number and sex of the passengers, the nature of the cargo, etc. Tested by evidence of this character the question as to whether an armament on a merchant vessel is intended solely for defensive purposes may be readily answered and the neutral government should regulate its treatment of the vessel in accordance with the intended use of the armament.

This Government considers that in permitting a private vessel having a general cargo, a customary amount of fuel, an average crew, and passengers of both sexes on board, and carrying a small armament and a small amount of ammunition, to enjoy the hospitality of an American port as a merchant vessel, it is in no way violating its duty as a neutral. Nevertheless it is not unmindful of the fact that the circumstances of a particular case may be such as to cause embarrassment and possible controversy as to the character of an armed private vessel visiting its ports. Recognizing, therefore, the desirability of avoiding a ground of complaint this Government, as soon as a case arose, while frankly admitting the right of a merchant vessel to carry a defensive armament, expressed its disapprobation of a practice which compelled it to pass upon a vessel's intended use, which opinion if proven subsequently to be erroneous might constitute a ground for a charge of unneutral conduct.

As a result of these representations no merchant vessels with armaments have visited the ports of the United States since the 10th of September. In fact from the beginning of the European war but two armed private vessels have entered or cleared from ports of this country and as to these vessels their character as merchant vessels was conclusively established.

Please bring the foregoing to the attention of the German Govern-

ment and in doing so express the hope that they will also prevent their merchant vessels from entering the ports of the United States carrying armaments even for defensive purposes though they may possess the right to do so by the rules of international law.

LANSING.

## PART X.

## INTERNMENT OF GERMAN SHIPS GEIER AND LOCKSUN.

*The British Ambassador to the Secretary of State.*

No. 369.]

BRITISH EMBASSY,  
*Washington, October 28, 1914.*

SIR: According to information which has reached my Government, the German war vessel *Geier* has been undergoing repairs at Honolulu since October 17, and should be now ready to take the sea. In view of Article 17 of No. 13 of the Hague Convention of 1907 I have the honour to protest against the continued presence of the *Geier* in a United States harbour and to request that she may be interned.

My Government has also been informed that the German ship *Locksun* is now in Honolulu with 1,000 tons of coal on board. As the Department was informed in the memorandum from this Embassy of the 19th instant,<sup>1</sup> she is one of the ships which have been despatched by Messrs. Behnmeyer from Philippine ports for the purpose of conveying supplies of coal to German cruisers. She sailed from Manila ostensibly for Menado (Celebes), but did not call there, and arrived at Honolulu on October 15 in company with the German cruiser *Geier*.

As she obviously made a false declaration of destination, there appears to be circumstantial evidence that she has already been engaged in furnishing supplies to a belligerent warship, and that under the general rules of international law and the United States regulations of September 19, 1914, there is ground for detaining her for the purpose of enquiry.

I have, etc.,

CECIL SPRING-RICE.

*The Japanese Ambassador to the Counselor.*

[Extract.]

IMPERIAL JAPANESE EMBASSY,  
*Washington, October 28, 1914.*

MY DEAR MR. LANSING: Adverting to our conversation on October 26 and to your unofficial letter of October 27,<sup>1</sup> relating to the German

<sup>1</sup> Not printed.

man-of-war *Geier*, I wish to inform you that the purport of our conversation as well as the contents of your letter has been referred to the home government.

In the meantime, Baron Kato has sent me telegraphic instructions, which apparently crossed my cables; the substance of which I beg to enclose herewith.<sup>1</sup> With regard to it, I should be greatly obliged if you would give me further information concerning your intention as regards the disposition of the *Geier*.

I am, etc.,

S. CHINDA.

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*The Assistant Secretary of the Treasury to the Secretary of State.*

TREASURY DEPARTMENT,  
Washington, October 28, 1914.

SIR: Referring to this Department's letter of the 21st instant and previous correspondence, relative to the German gunboat *Geier*, now at Honolulu, I have the honor to quote a further cablegram from the collector of customs at that port, as follows:

HONOLULU, Oct. 27, 1914 (10.15 p. m.).

On October 15 captain German gunboat *Geier* requested permission to make repairs to render vessel seaworthy and estimated time for same at one week. On October 20 Naval Constructor Furer, at my request, examined the vessel and recommended that time be extended eight days from 20th to place boilers in seaworthy condition. To-day consul requests from eight to ten days more in which to make repairs to steam and feed piping and boilers that have been found to be leaking. Consul states captain has used every effort to finish repairs, working Sundays and overtime, but owing to lack of labor can not finish in less time. Naval Constructor Furer has just completed another examination of the vessel and reports that he is unable to state how long repairs should take, as more leaky tubes may be found as work progresses. Honolulu iron works estimates time for repairs at from two to three weeks, which, in opinion of Furer, is a conservative minimum. Furer reports piping and boilers in bad condition; may possibly take further time to repair. Await instructions.

I will thank you to advise me as soon as possible what additional instructions you desire to be given to the collector in the matter.

WM. P. MALBURN.

<sup>1</sup> Not printed.

*The Acting Secretary of State to Ambassador Guthrie.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, October 30, 1914.*

Your October 28th, 11 a. m.,<sup>1</sup> Government has instructed authorities to notify captain of *Geier* that repairs must be completed within definite time or vessel will be interned. Exact date obviously can not be made known.

LANSING.

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*The Counselor to the German Ambassador.*

DEPARTMENT OF STATE,  
*Washington, October 30, 1914.*

MY DEAR MR. AMBASSADOR: The Department has been advised that the German gunboat *Geier* put into the port of Honolulu, and on October 15 the captain requested permission to make repairs to render the vessel seaworthy, and estimated the time for this work to be one week. The naval constructor of the United States at the port of Honolulu examined the vessel on October 20, and recommended that the time be extended eight days, from October 20, in order to place the boilers in a seaworthy condition. On October 27, the German consul at that port requested from eight to ten days additional time in which to make repairs to steam and feed piping and boilers that have been found to be in a leaking condition. Upon a further examination, the United States naval constructor reports that he is unable to state how long repairs should take, as conditions requiring remedy may be found as work progresses. It is also reported that, on account of the generally bad condition of the piping and boilers, further time may be required to complete all repairs.

The circumstances in this case point to the gunboat *Geier* as a ship that at the outbreak of war finds itself in a more or less broken-down condition and on the point of undergoing general repairs, but still able to keep the sea. In this situation the Government believes that it does not comport with a strict neutrality or a fair interpretation of the Hague Conventions, to allow such a vessel to complete unlimited repairs in a United States port. The Government therefore has instructed the

<sup>1</sup> Not printed.

authorities to notify the captain of the *Geier* that three weeks from October 15 will be allowed the *Geier* for repairs, and that if she is not able to leave American waters by November 6, the United States will feel obliged to insist that she be interned until the expiration of the war.

I am, etc.,

ROBERT LANSING.

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*The Counselor to the Japanese Ambassador.*

DEPARTMENT OF STATE,  
*Washington, October 30, 1914.*

MY DEAR MR. AMBASSADOR: In reply to your note of the 28th instant, in regard to the German gunboat *Geier*, now undergoing repairs at Honolulu, I would advise you that the Imperial German Ambassador in this capital has been informed of this Government's intention to fix a definite period within which repairs to this vessel should be completed, and that if it is found impossible to complete the repairs within the period set, the United States will be obliged to insist that the gunboat be interned during the present war. Instructions have been issued to the United States officers to inform the captain of the *Geier* in this same sense.

I am, etc.,

ROBERT LANSING.

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*The Acting Secretary of State to the British Ambassador.*

DEPARTMENT OF STATE,  
*Washington, October 30, 1914.*

EXCELLENCY: The Department has received your note of the 28th instant protesting against the continued presence of the *Geier* in a United States harbor and requesting that she may be interned. In reply I have the honor to inform you that the Imperial German Ambassador in this capital has been advised of this Government's intention to fix a definite period within which repairs to this vessel should be completed, and that if she is unable to leave American waters within the period set, the United States Government will feel obliged to insist that she be interned. The appropriate authorities of the United States have been instructed to inform the captain of the *Geier* in this sense.

You also call attention in your note to the German ship *Locksun* now



in Honolulu with 1,000 tons of coal on board, and state that she sailed from Manila, ostensibly for Menado, in the Celebes, but did not call there and arrived at Honolulu on October 15 in company with the German cruiser *Geier*. You further state that as she obviously made a false declaration of destination, there appears to be circumstantial evidence that she has already been engaged in furnishing supplies to a belligerent warship and that, under the general rules of international law and the United States regulations of September 19 there is ground for detaining her for the purpose of inquiry. In reply I have the honor to advise you that instructions have been issued to detain this vessel, pending an investigation as to whether she has been furnishing supplies to belligerent warships. This matter will be made the subject of a further communication to you when the examination has been completed.

I have, etc.,

ROBERT LANSING.

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*The Counselor to the German Ambassador.*

DEPARTMENT OF STATE,  
*Washington, November 7, 1914.*

MY DEAR MR. AMBASSADOR: Referring to my previous communication to you of October 30 regarding the internment of the German cruiser *Geier*, the Department is now in possession of information that the German steamship *Locksun*, belonging to the Norddeutscher Lloyd Company, cleared August 16, 1914, from Manila with 3,215 tons of coal for Menado, in the Celebes; that she coaled the German warship *Geier* in the course of her voyage toward Honolulu, where she arrived soon after the *Geier*; that the *Locksun* received coal by transfer from another vessel somewhere between Manila and Honolulu, and that the captain stated that he had on board 245 or 250 tons of coal when he entered Honolulu, whereas investigation showed that he had on board approximately 1,600 tons.

From these facts the Department is of the opinion that the operations of the *Locksun* constitute her a tender to the *Geier*, and that she may be reasonably so considered at the present time. This Government is, therefore, under the necessity of according the *Locksun* the same treatment as the *Geier*, and has taken steps to have the vessel interned at Honolulu if she does not leave immediately.

I am, etc.,

ROBERT LANSING.

*The German Ambassador to the Counselor of the Department.*

J. No. A 2171.]

GERMAN EMBASSY,

*Washington, November 11, 1914.*

MY DEAR MR. LANSING: I beg to acknowledge receipt of your letter of 7th instant informing me that the German steamer *Locksun*, belonging to the Norddeutscher Lloyd, now at Honolulu, is considered by the United States Government as being a tender to H. M. S. *Geier* and would therefore be interned at Honolulu if she did not leave immediately.

In reply to this communication I beg you to kindly let me know on which rule or regulation the detention of the *Locksun* is to be based.

The *Locksun* can not be considered as a man-of-war, not even an auxiliary ship, but is a simple merchant ship. As to the alleged coaling of H. M. S. *Geier* from the *Locksun* the neutrality regulations of the United States only provide that a vessel can be prevented from taking coal to a warship for a period of three months after having left an American port. As the *Locksun* left the last American port (Manila) on August 16 she ought to be free on November 16.

I am, etc.,

J. BERNSTORFF.

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*The German Ambassador to the Secretary of State.*

[Translation.]

No. A 2190.]

GERMAN EMBASSY,

*Washington, November 11, 1914.*

MR. SECRETARY OF STATE: Two officers of H. M. S. *Geier* who had been granted sick leave have been interned with their orderlies in the United States. It seems that the United States Government took that measure on the ground that they belonged to the company of a ship whose crew faced internment and which was in fact dismantled later. This position would undoubtedly be correct if the officers had not left the ship until after internment, as in that case the whole crew should be treated exactly like troops that cross the border of a neutral country. As a matter of fact, however, H. M. S. *Geier* was not dismantled until the 7th of this month and the official communication of Under Secretary of State Lansing which spoke of the disarmament of H. M. S. *Geier* under certain conditions is dated October 30. As to this I have the honor to inform Your Excellency that the interned officers and their

orderlies had already left Honolulu on the 28th of October, that is, before the question of interning the crew of H. M. S. *Geier* had come up. It is therefore not a fact that those officers and men belonged to the company of a ship on the point of being interned.

In this connection I would draw Your Excellency's attention to the treatment accorded to the British Major Robertson. That officer was allowed by the like American authorities to proceed on his journey, although it was shown that he had taken an active part in the war against Germany by fighting in the battle before Tsingtau. As this discrimination in the treatment of German and English officers appears to me to be difficult to explain, I have the honor to beg Your Excellency to cause this question to be again examined in the light of the neutrality of the United States and kindly to procure for the officers of H. M. S. *Geier* and their orderlies permission to travel freely.

Accept, etc.,

J. BERNSTORFF.

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*The Secretary of State to the German Ambassador.*

DEPARTMENT OF STATE,  
Washington, November 12, 1914.

EXCELLENCY: I have the honor to advise you of the receipt of a letter from the Secretary of the Treasury, stating that a telegram has been received from the collector of customs at Honolulu, reporting that, on November 8, 1914, the German naval vessels *Geier* and *Locksun* were interned there.

Accept, etc.,

W. J. BRYAN.

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*The Counselor of the Department to the German Ambassador.*

DEPARTMENT OF STATE,  
Washington, November 16, 1914.

MY DEAR MR. AMBASSADOR: In reply to your note of the 11th instant, inquiring on which rule or regulation the internment of the German ship *Locksun* is based, I would advise you that the *Locksun* has been interned on the principle that she has been acting as a tender to the German warship *Geier*, as the facts set forth in my note of the 7th instant substantiate. If, under the circumstances, the *Locksun* has been in fact a

tender to the *Geier*, the question involved does not relate to the amount of coal which either the *Locksun* or the *Geier* has taken on within three months, but rather relates to the association and coöperation of the two vessels in belligerent operations. The *Locksun*, having been shown to have taken the part of a supply ship for the *Geier*, is, in the opinion of this Government, stamped with the belligerent character of that vessel, and has really become a part of her equipment. In this situation it is difficult to understand on what basis it would have been possible to distinguish between the two vessels, so as to intern the one and not the other. This Government, therefore, has taken what appears to it to be the only reasonable course, under the circumstances, and directed that both vessels be interned.

I am, etc.,

ROBERT LANSING.

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*The German Ambassador to the Secretary of State.*

[Translation.]

No. A 2453.]

GERMAN EMBASSY,

*Washington, November 21, 1914.*

MR. SECRETARY OF STATE: In reply to Your Excellency's kind note of the 12th instant and with reference to Under Secretary of State Lansing's letter of the 16th instant, both about the internment of the German steamship *Locksun* at Honolulu, I have the honor to say the following:

Under Secretary of State Lansing informed me in his above-mentioned letter of the 16th instant that the S. S. *Locksun* had been interned because she had served as a tender to H. M. S. *Geier*, had thereby assumed the character of a belligerent and was to be considered as part of the equipment of a war vessel. To this I wish to say that there is, so far as I know, no international law or stipulation in existence which imparts the character of a warcraft, *i. e.*, of a "part of a warship" to a tender on account of her accompanying a warship. The situation in times of peace also proves this. Where there is a likelihood of the warship being unable safely to get along on her own resources, there is the necessity of sending tenders along. This is rather often done in times of peace without causing such tenders to be considered and treated on that account as "parts of the warship concerned," or in the light of international law even as warships.

Granting, however, that such vessel could actually be considered as "part of a warship," then there could be no doubt that its part as a coaling and supply ship would come to an end at the very moment the warship is interned and she would then cease to be "part of a warship."

Besides, if it be enough, as stated in the above referred to note of the 16th instant, to stamp a steamer as a warcraft that she did supply a war vessel with coals or provisions, then the steamship *Locksun's* case in nowise differs from that of the tug *F. B. Dalzell*, which, as I had the honor to inform Your Excellency by my note of the 21st ultimo, carried victuals and information to the English warship *Essex* from the port of New York.

Accept, etc.,

J. BERNSTORFF.

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*The Acting Secretary of State to the German Ambassador.*

DEPARTMENT OF STATE,  
*Washington, November 27, 1914.*

EXCELLENCY: The Department has received your note of the 11th instant in regard to the two officers of H. M. S. *Geier* and their orderlies, who left that vessel before it was interned, but who have with the remainder of its complement been interned within United States jurisdiction. You ask that, as the actual internment of the vessel took place on the 7th instant, and as the officers and their orderlies left Honolulu on the 28th ultimo, the case be reëxamined and the officers and their orderlies be released.

In reply I have the honor to advise you that the case has been carefully reëxamined and that this Government, in its observance of a strict neutrality, is under obligation to retain these gentlemen in custody as a part of the *Geier's* company when she entered American jurisdiction. It appears that these men were not only duly incorporated in the armed forces of Germany, a belligerent power, but were also in a sense a part of an organized body of such forces entering a neutral port. In such a case the laws of maritime warfare permit a limited hospitality to be extended to them, dependent upon their observing certain conditions. In the case of the *Geier*, these conditions were, it is believed, very generous. After a delay of several days within the hospitality of the United States, instead of the conventional 24 hours, these officers and their orderlies appear to have been granted sick leave by the captain of the

*Geier*. This fact, however, can not, it is believed, properly be urged as separating them from the *Geier* in relation to its subsequent treatment. They arrived within United States jurisdiction as a part of an organized armed force of the German Empire, and this fact, in the opinion of this Government, appears to be the crux of the whole matter. Were a distinction to be made on the grounds set forth in your note a ship in danger from her enemy might enter a neutral port, and before the 24-hour period had elapsed, and before there was any danger of internment, her officers and crew might leave her and afterwards claim the right to return to their country as individuals. This course would manifestly not comport with the principles of neutrality as they are understood by the Department.

Your Excellency compares the case of these officers and men of H. M. S. *Geier* with that of Major Robertson of the British Army, who appears to have been taken into custody by American officers and shortly thereafter released. The Department is of the opinion that the two incidents have no essential resemblance. Major Robertson arrived in the United States as an individual and not as a part of an organized military body traveling together. The United States, therefore, in its governmental capacity as a neutral, was not bound under the principles of international law to intern him or to interfere with his freedom of movement so long as his conduct did not infringe the proprieties of international or municipal law.

The Department regrets, therefore, to advise you that this Government, after having carefully reexamined the case, does not see its way to release the officers and their orderlies in question, or to consider them other than as a part of the complement of H. M. S. *Geier*, which the United States Government has been under the necessity of having interned during the continuance of the present war.

Accept, etc.,

ROBERT LANSING.

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*The Secretary of State to the German Ambassador.*

DEPARTMENT OF STATE,  
Washington, December 11, 1914.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 21st ultimo in regard to the internment of the German steamship *Locksun* at Honolulu.

In reply I have the honor to call your attention to the expression "part of a warship," which occurs throughout your note. I do not understand from what source this expression is derived, as I do not find it in the correspondence of the Department to you on this subject. In my note to you of the 16th ultimo it was stated that the *Locksun*, having been shown to have taken the part of a supply ship for the *Geier*, is, in the opinion of this Government, stamped with the belligerent character of that vessel, and has really become part of her equipment. This of course does not state that she is a "part of a warship." A tender is a part of the equipment of a vessel of war in the sense of acting as an auxiliary to such a vessel in the matter of carrying supplies and possibly giving other assistance. In a very real sense a vessel of war so attended may be considered as a belligerent expedition of which the tender is a part of the equipment, but to put a tender in the category of "part of a warship" is to suggest that the treatment to be accorded the tender shall be governed by the rules of contraband.

In the circumstances of this case, as known by the Department, it is obliged to state that it still adheres to its previous position that the status of the *Locksun* as a tender to the ship of war *Geier* was sufficiently proved to justify her treatment as such. In this connection the Department has the honor to call to your attention the following quotation from the award of the Alabama Claims Commission, which seems to establish this principle regarding the treatment of tenders, although the application of this statement was not made to the exact circumstances of the *Locksun* case:

And so far as relates to the vessels called the *Tuscaloosa* (tender to the *Alabama*), the *Clarence*, the *Tacony*, and the *Archer* (tenders to the *Florida*), the tribunal is unanimously of opinion that such tenders or auxiliary vessels, being properly regarded as accessories, must necessarily follow the lot of their principals and be submitted to the same decision which applies to them respectively.

The entire practice of the internment of vessels appears to be of recent origin. The doctrine of internment was apparently first applied to any great extent during the Russo-Japanese war, and it is believed that the treatment of the *Locksun* is in keeping with the high standard of neutrality upon which the doctrine of internment is based. The Department is not aware that measures to preserve neutrality are entirely dictated by precedent and international law, and it believes that belligerents hardly have proper cause to question an attitude on neutrality justly in advance of precedent and international law if it is applied by

the neutral impartially to all belligerents. As to the advisability of assuming such an attitude, the Department is impressed with the proposition that the neutral and not the belligerent is the proper judge in the circumstances.

You refer to the case of the tug *F. B. Dalzell*, which you state carried supplies and information to the English warship *Essex* from the port of New York, and suggest that this case in no wise differs from that of the steamship *Locksun*. In reply I have the honor to inform you that the result of this Government's investigation is to the effect that the tug *Dalzell* did not as a fact carry supplies and information to any British warship from the port of New York. If, however, Your Excellency is in possession of facts showing the contrary, the Government will be glad to be furnished with such data in order that it may renew its investigation and establish the truth in regard to the tug *Dalzell*, whether or not it agrees with the present finding of the Government. It will be recalled, however, that the tug *Dalzell* is an American vessel and therefore is not subject to internment as that term is understood in international law. This circumstance is not regarded, however, as relieving the Government from the duty of preventing the use of American ports as bases of naval operations as required by the provisions of Hague Convention No. 13, of 1907.

Accept, etc.,

W. J. BRYAN.



## PART XI.

## QUESTIONS RELATING TO NEUTRALITY.

*Chairman of the Senate Committee on Foreign Affairs to the Secretary of State.*

*Washington, January 8, 1915.*

DEAR MR. SECRETARY: As you are aware, frequent complaints or charges are made in one form or another through the press that this Government has shown partiality to Great Britain, France, and Russia as against Germany and Austria during the present war between those powers; in addition to which I have received numerous letters to the same effect from sympathizers with Germany and Austria. The various grounds of these complaints may be summarized and stated in the following form:

1. Freedom of communication by submarine cables, but censorship of wireless messages.
2. Submission to censorship of mails and in some cases to the repeated destruction of American letters found on neutral vessels.
3. The search of American vessels for German and Austrian subjects—
  - (a) On the high seas.
  - (b) In territorial waters of a belligerent.
4. Submission without protest to English violations of the rules regarding absolute and conditional contraband, as laid down—
  - (a) In the Hague Conventions.
  - (b) In international law.
  - (c) In the Declaration of London.
5. Submission without protest to inclusion of copper in the list of absolute contraband.
6. Submission without protest to interference with American trade to neutral countries—
  - (a) In conditional contraband.
  - (b) In absolute contraband.
7. Submission without protest to interruption of trade in conditional

contraband consigned to private persons in Germany and Austria, thereby supporting the policy of Great Britain to cut off all supplies from Germany and Austria.

8. Submission to British interruption of trade in petroleum, rubber, leather, wool, etc.

9. No interference with the sale to Great Britain and her allies of arms, ammunition, horses, uniforms, and other munitions of war, although such sales prolong the war.

10. No suppression of sale of dum-dum bullets to Great Britain.

11. British warships are permitted to lie off American ports and intercept neutral vessels.

12. Submission without protest to disregard by Great Britain and her allies of—

(a) American naturalization certificates.

(b) American passports.

13. Change of policy in regard to loans to belligerents:

(a) General loans.

(b) Credit loans.

14. Submission to arrest of native-born Americans on neutral vessels and in British ports, and their imprisonment.

15. Indifference to confinement of noncombatants in detention camps in England and France.

16. Failure to prevent transshipment of British troops and war material across the territory of the United States.

17. Treatment and final internment of German steamship *Geier* and the collier *Locksun* at Honolulu.

18. Unfairness to Germany in rules relative to coaling of warships in Panama Canal Zone.

19. Failure to protest against the modifications of the declaration of London by the British Government.

20. General unfriendly attitude of Government toward Germany and Austria.

If you deem it not incompatible with the public interest I would be obliged if you would furnish me with whatever information your department may have touching these various points of complaint, or request the counselor of the State Department to send me the information, with any suggestions you or he may deem advisable to make with respect to either the legal or political aspects of the subject. So far as informed I see no reason why all the matter I am requesting to be furnished should

not be made public, to the end that the true situation may be known and misapprehensions quieted.

I have, etc.,

WM. J. STONE.

*The Secretary of State to the Chairman of the Senate Committee on Foreign Relations.*

DEPARTMENT OF STATE,  
*Washington, January 20, 1915.*

DEAR MR. STONE: I have received your letter of the 8th instant, referring to frequent complaints or charges made in one form or another through the press that this Government has shown partiality to Great Britain, France, and Russia against Germany and Austria during the present war, and stating that you have received numerous letters to the same effect from sympathizers with the latter powers. You summarize the various grounds of these complaints and ask that you be furnished with whatever information the department may have touching these points of complaint, in order that you may be informed as to what the true situation is in regard to these matters.

In order that you may have such information as the department has on the subjects referred to in your letter, I will take them up seriatim.

(1) *Freedom of communication by submarine cables versus censored communication by wireless.*

The reason that wireless messages and cable messages require different treatment by a neutral Government is as follows:

Communications by wireless can not be interrupted by a belligerent. With a submarine cable it is otherwise. The possibility of cutting the cable exists, and if a belligerent possesses naval superiority the cable is cut, as was the German cable near the Azores by one of Germany's enemies and as was the British cable near Fanning Island by a German naval force. Since a cable is subject to hostile attack, the responsibility falls upon the belligerent and not upon the neutral to prevent cable communication.

A more important reason, however, at least from the point of view of a neutral Government, is that messages sent out from a wireless station in neutral territory may be received by belligerent warships on the high seas. If these messages, whether plain or in cipher, direct the movements of warships or convey to them information as to the location of an

enemy's public or private vessels, the neutral territory becomes a base of naval operations, to permit which would be essentially unneutral.

As a wireless message can be received by all stations and vessels within a given radius, every message in cipher, whatever its intended destination, must be censored; otherwise military information may be sent to warships off the coast of a neutral. It is manifest that a submarine cable is incapable of becoming a means of direct communication with a warship on the high seas. Hence its use can not, as a rule, make neutral territory a base for the direction of naval operations.

(2) *Censorship of mails and in some cases repeated destruction of American letters on neutral vessels.*

As to the censorship of mails, Germany as well as Great Britain has pursued this course in regard to private letters falling into their hands. The unquestioned right to adopt a measure of this sort makes objection to it inadvisable.

It has been asserted that American mail on board of Dutch steamers has been repeatedly destroyed. No evidence to this effect has been filed with the Government, and therefore no representations have been made. Until such a case is presented in concrete form, this Government would not be justified in presenting the matter to the offending belligerent. Complaints have come to the department that mail on board neutral steamers has been opened and detained, but there seem to be but few cases where the mail from neutral countries has not been finally delivered. When mail is sent to belligerent countries open and is of a neutral and private character it has not been molested, so far as the Department is advised.

(3) *Searching of American vessels for German and Austrian subjects on the high seas and in territorial waters of a belligerent.*

So far as this Government has been informed, no American vessels on the high seas, with two exceptions, have been detained or searched by belligerent warships for German and Austrian subjects. One of the exceptions to which reference is made is now the subject of a rigid investigation, and vigorous representations have been made to the offending Government. The other exception, where certain German passengers were made to sign a promise not to take part in the war, has been brought to the attention of the offending Government with a declaration that such procedure, if true, is an unwarranted exercise of jurisdiction over American vessels in which this Government will not acquiesce.

An American private vessel entering voluntarily the territorial waters

of a belligerent becomes subject to its municipal laws, as do the persons on board the vessel.

There have appeared in certain publications the assertion that failure to protest in these cases is an abandonment of the principle for which the United States went to war in 1812. If the failure to protest were true, which it is not, the principle involved is entirely different from the one appealed to against unjustifiable impressment of Americans in the British Navy in time of peace.

(4) *Submission without protest to British violations of the rules regarding absolute and conditional contraband as laid down in The Hague Conventions, the Declaration of London, and international law.*

There is no Hague convention which deals with absolute or conditional contraband, and, as the Declaration of London is not in force, the rules of international law only apply. As to the articles to be regarded as contraband, there is no general agreement between nations. It is the practice for a country, either in time of peace or after the outbreak of war, to declare the articles which it will consider as absolute or conditional contraband. It is true that a neutral Government is seriously affected by this declaration, as the rights of its subjects or citizens may be impaired. But the rights and interests of belligerents and neutrals are opposed in respect to contraband articles and trade and there is no tribunal to which questions of difference may be readily submitted.

The record of the United States in the past is not free from criticism. When neutral this Government has stood for a restricted list of absolute and conditional contraband. As a belligerent, we have contended for a liberal list, according to our conception of the necessities of the case.

The United States has made earnest representations to Great Britain in regard to the seizure and detention by the British authorities of all American ships or cargoes *bona fide* destined to neutral ports on the ground that such seizures and detentions were contrary to the existing rules of international law. It will be recalled, however, that American courts have established various rules bearing on these matters. The rule of "continuous voyage" has been not only asserted by American tribunals but extended by them. They have exercised the right to determine from the circumstances whether the ostensible was the real destination. They have held that the shipment of articles of contraband to a neutral port "to order," from which, as a matter of fact, cargoes had been transhipped to the enemy, is corroborative evidence that the cargo is really destined to the enemy instead of to the neutral port of delivery. It is

thus seen that some of the doctrines which appear to bear harshly upon neutrals at the present time are analogous to or outgrowths from policies adopted by the United States when it was a belligerent. The Government therefore can not consistently protest against the application of rules which it has followed in the past, unless they have not been practiced as heretofore.

(5) *Acquiescence without protest to the inclusion of copper and other articles in the British lists of absolute contraband.*

The United States has now under consideration the question of the right of a belligerent to include "copper unwrought" in its list of absolute contraband instead of in its list of conditional contraband. As the Government of the United States has in the past placed "all articles from which ammunition is manufactured" in its contraband list, and has declared copper to be among such materials, it necessarily finds some embarrassment in dealing with the subject.

Moreover, there is no instance of the United States acquiescing in Great Britain's seizure of copper shipments. In every case in which it has been done vigorous representations have been made to the British Government, and the representatives of the United States have pressed for the release of the shipments.

(6) *Submission without protest to interference with American trade to neutral countries in conditional and absolute contraband.*

The fact that the commerce of the United States is interrupted by Great Britain is consequent upon the superiority of her navy on the high seas. History shows that whenever a country has possessed that superiority our trade has been interrupted and that few articles essential to the prosecution of the war have been allowed to reach its enemy from this country. The Department's recent note to the British Government, which has been made public, in regard to detentions and seizures of American vessels and cargoes, is a complete answer to this complaint.

Certain other complaints appear aimed at the loss of profit in trade, which must include at least in part trade in contraband with Germany; while other complaints demand the prohibition of trade in contraband, which appear to refer to trade with the allies.

(7) *Submission without protest to interruption of trade in conditional contraband consigned to private persons in Germany and Austria, thereby supporting the policy of Great Britain to cut off all supplies from Germany and Austria.*

As no American vessel so far as known has attempted to carry condi-

tional contraband to Germany or Austria-Hungary, no ground of complaint has arisen out of the seizure or condemnation by Great Britain of an American vessel with a belligerent destination. Until a case arises and the Government has taken action upon it, criticism is premature and unwarranted. The United States in its note of December 28 to the British Government strongly contended for the principle of freedom of trade in articles of conditional contraband not destined to the belligerent's forces.

(8) *Submission to British interference with trade in petroleum, rubber, leather, wool, etc.*

Petrol and other petroleum products have been proclaimed by Great Britain as contraband of war. In view of the absolute necessity of such products to the use of submarines, aeroplanes, and motors, the United States Government has not yet reached the conclusion that they are improperly included in a list of contraband. Military operations to-day are largely a question of motive power through mechanical devices. It is therefore difficult to argue successfully against the inclusion of petroleum among the articles of contraband. As to the detention of cargoes of petroleum going to neutral countries, this Government has thus far successfully obtained the release in every case of detention or seizure which has been brought to its attention.

Great Britain and France have placed rubber on the absolute contraband list and leather on the conditional contraband list. Rubber is extensively used in the manufacture and operation of motors and, like petrol, is regarded by some authorities as essential to motive power to-day. Leather is even more widely used in cavalry and infantry equipment. It is understood that both rubber and leather, together with wool, have been embargoed by most of the belligerent countries. It will be recalled that the United States has in the past exercised the right of embargo upon exports of any commodity which might aid the enemy's cause.

(9) *The United States has not interfered with the sale to Great Britain and her allies of arms, ammunition, horses, uniforms, and other munitions of war, although such sales prolong the conflict.*

There is no power in the Executive to prevent the sale of ammunition to the belligerents.

The duty of a neutral to restrict trade in munitions of war has never been imposed by international law or by municipal statute. It has never been the policy of this Government to prevent the shipment of

arms or ammunition into belligerent territory, except in the case of neighboring American Republics, and then only when civil strife prevailed. Even to this extent the belligerents in the present conflict, when they were neutrals, have never, so far as the records disclose, limited the sale of munitions of war. It is only necessary to point to the enormous quantities of arms and ammunition furnished by manufacturers in Germany to the belligerents in the Russo-Japanese war and in the recent Balkan wars to establish the general recognition of the propriety of the trade by a neutral nation.

It may be added that on the 15th of December last the German ambassador, by direction of his Government, presented a copy of a memorandum of the Imperial German Government which, among other things, set forth the attitude of that Government toward traffic in contraband of war by citizens of neutral countries. The Imperial Government stated that "under the general principles of international law, no exception can be taken to neutral States letting war material go to Germany's enemies from or through neutral territory," and that the adversaries of Germany in the present war are, in the opinion of the Imperial Government, authorized to "draw on the United States contraband of war and especially arms worth billions of marks." These principles, as the ambassador stated, have been accepted by the United States Government in the statement issued by the Department of State on October 15 last, entitled "Neutrality and trade in contraband." Acting in conformity with the propositions there set forth, the United States has itself taken no part in contraband traffic, and has, so far as possible, lent its influence toward equal treatment for all belligerents in the matter of purchasing arms and ammunition of private persons in the United States.

(10) *The United States has not suppressed the sale of dum-dum bullets to Great Britain.*

On December 5 last the German ambassador addressed a note to the department, stating that the British Government had ordered from the Winchester Repeating Arms Co. 20,000 "riot guns," model 1897, and 50,000,000 "buckshot cartridges" for use in such guns. The department replied that it saw a published statement of the Winchester Co., the correctness of which the company has confirmed to the department by telegraph. In this statement the company categorically denies that it has received an order for such guns and cartridges from or made any sales of such material to the British Government, or to any other Govern-



ment engaged in the present war. The ambassador further called attention to "information, the accuracy of which is not to be doubted," that 8,000,000 cartridges fitted with "mushroom bullets" had been delivered since October of this year by the Union Metallic Cartridge Co. for the armament of the English army. In reply the department referred to the letter of December 10, 1914, of the Remington Arms-Union Metallic Cartridge Co., of New York, to the ambassador, called forth by certain newspaper reports of statements alleged to have been made by the ambassador in regard to the sales by that company of soft-nosed bullets.

From this letter, a copy of which was sent to the department by the company, it appears that instead of 8,000,000 cartridges having been sold, only a little over 117,000 were manufactured and 109,000 were sold. The letter further asserts that these cartridges were made to supply a demand for a better sporting cartridge with a soft-nosed bullet than had been manufactured theretofore, and that such cartridges can not be used in the military rifles of any foreign powers. The company adds that its statements can be substantiated and that it is ready to give the ambassador any evidence that he may require on these points. The department further stated that it was also in receipt from the company of a complete detailed list of the persons to whom these cartridges were sold, and that from this list it appeared that the cartridges were sold to firms in lots of 20 to 2,000 and one lot each of 3,000, 4,000, and 5,000. Of these only 960 cartridges went to British North America and 100 to British East Africa.

The department added that, if the ambassador could furnish evidence that this or any other company is manufacturing and selling for the use of the contending armies in Europe cartridges whose use would contravene The Hague conventions, the department would be glad to be furnished with this evidence, and that the President would, in case any American company is shown to be engaged in this traffic, use his influence to prevent, so far as possible, sales of such ammunition to the powers engaged in the European war, without regard to whether it is the duty of this Government, upon legal or conventional grounds, to take such action.

The substance of both the ambassador's note and the department's reply have appeared in the press.

The department has received no other complaints of alleged sales of dum-dum bullets by American citizens to belligerent Governments.

(11) *British warships are permitted to lie off American ports and intercept neutral vessels.*

The complaint is unjustified from the fact that representations were made to the British Government that the presence of war vessels in the vicinity of New York Harbor was offensive to this Government and a similar complaint was made to the Japanese Government as to one of its cruisers in the vicinity of the port of Honolulu. In both cases the warships were withdrawn.

It will be recalled that in 1863 the department took the position that captures made by its vessels after hovering about neutral ports would not be regarded as valid. In the Franco-Prussian War President Grant issued a proclamation warning belligerent warships against hovering in the vicinity of American ports for purposes of observation or hostile acts. The same policy has been maintained in the present war, and in all of the recent proclamations of neutrality the President states that such practice by belligerent warships is "unfriendly and offensive."

(12) *Great Britain and her allies are allowed without protest to disregard American citizenship papers and passports.*

American citizenship papers have been disregarded in a comparatively few instances by Great Britain, but the same is true of all the belligerents. Bearers of American passports have been arrested in all the countries at war. In every case of apparent illegal arrest the United States Government has entered vigorous protests with request for release. The department does not know of any cases, except one or two, which are still under investigation, in which naturalized Germans have not been released upon representations by this Government. There have, however, come to the department's notice authentic cases in which American passports have been fraudulently obtained and used by certain German subjects.

The Department of Justice has recently apprehended at least four persons of German nationality who, it is alleged, obtained American passports under pretense of being American citizens and for the purpose of returning to Germany without molestation by her enemies during the voyage. There are indications that a systematic plan had been devised to obtain American passports through fraud for the purpose of securing safe passage for German officers and reservists desiring to return to Germany. Such fraudulent use of passports by Germans themselves can have no other effect than to cast suspicion upon American passports in general. New regulations, however, requiring among other things the

attaching of a photograph of the bearer to his passport, under the seal of the Department of State, and the vigilance of the Department of Justice, will doubtless prevent any further misuse of American passports.

(13) *Change of policy in regard to loans to belligerents.*

War loans in this country were disapproved because inconsistent with the spirit of neutrality. There is a clearly defined difference between a war loan and the purchase of arms and ammunition. *The policy of disapproving of war loans affects all governments alike, so that the disapproval is not an unneutral act.* The case is entirely different in the matter of arms and ammunition, because prohibition of export not only might not, but in this case would not, operate equally upon the nations at war. Then, too, the reason given for the disapproval of war loans is supported by other considerations which are absent in the case presented by the sale of arms and ammunition. The taking of money out of the United States during such a war as this might seriously embarrass the Government in case it needed to borrow money and it might also seriously impair this Nation's ability to assist the neutral nations which, though not participants in the war, are compelled to bear a heavy burden on account of the war, and again, a war loan, if offered for popular subscription in the United States, would be taken up chiefly by those who are in sympathy with the belligerent seeking the loan. The result would be that great numbers of the American people might become more earnest partisans, having material interest in the success of the belligerent, whose bonds they hold. These purchases would not be confined to a few, but would spread generally throughout the country, so that the people would be divided into groups of partisans, which would result in intense bitterness and might cause an undesirable, if not a serious, situation. On the other hand, contracts for and sales of contraband are mere matters of trade. The manufacturer, unless peculiarly sentimental, would sell to one belligerent as readily as he would to another. No general spirit of partisanship is aroused—no sympathies excited. The whole transaction is merely a matter of business.

This Government has not been advised that any general loans have been made by foreign governments in this country since the President expressed his wish that loans of this character should not be made.

(14) *Submission to arrest of native-born Americans on neutral vessels and in British ports and their imprisonment.*

The general charge as to the arrest of American-born citizens on board neutral vessels and in British ports, the ignoring of their passports,

and their confinement in jails requires evidence to support it. That there have been cases of injustice of this sort is unquestionably true, but Americans in Germany have suffered in this way as Americans have in Great Britain. This Government has considered that the majority of these cases resulted from overzealousness on the part of subordinate officials in both countries. Every case which has been brought to the attention of the Department of State has been promptly investigated and, if the facts warranted, a demand for release has been made.

(15) *Indifference to confinement of noncombatants in detention camps in England and France.*

As to the detention of noncombatants confined in concentration camps, all the belligerents, with perhaps the exception of Servia and Russia, have made similar complaints and those for whom this Government is acting have asked investigations, which representatives of this Government have made impartially. Their reports have shown that the treatment of prisoners is generally as good as possible under the conditions in all countries, and that there is no more reason to say that they are mistreated in one country than in another country or that this Government has manifested an indifference in the matter. As this department's efforts at investigations seemed to develop bitterness between the countries, the department on November 20 sent a circular instruction to its representatives not to undertake further investigation of concentration camps.

But at the special request of the German Government that Mr. Jackson, former American minister at Bucharest, now attached to the American Embassy at Berlin, make an investigation of the prison camps in England, in addition to the investigations already made, the department has consented to dispatch Mr. Jackson on this special mission.

(16) *Failure to prevent transshipment of British troops and war material across the territory of the United States.*

The department has had no specific case of the passage of convoys of troops across American territory brought to its notice. There have been rumors to this effect, but no actual facts have been presented. The transshipment of reservists of all belligerents who have requested the privilege has been permitted on condition that they travel as individuals and not as organized, uniformed, or armed bodies. The German Embassy has advised the department that it would not be likely to avail itself of the privilege, but Germany's ally, Austria-Hungary, did so.

Only one case raising the question of the transit of war material owned

by a belligerent across United States territory has come to the department's notice. This was a request on the part of the Canadian Government for permission to ship equipment across Alaska to the sea. The request was refused.

(17) *Treatment and final internment of German steamship "Geier" and the collier "Locksun" at Honolulu.*

The *Geier* entered Honolulu on October 15 in an unseaworthy condition. The commanding officer reported the necessity of extensive repairs which would require an indefinite period for completion. The vessel was allowed the generous period of three weeks to November 7 to make repairs and leave the port, or, failing to do so, to be interned. A longer period would have been contrary to international practice, which does not permit a vessel to remain for a long time in a neutral port for the purpose of repairing a generally run-down condition due to long sea service. Soon after the German cruiser arrived at Honolulu a Japanese cruiser appeared off the port and the commander of the *Geier* chose to intern the vessel rather than to depart from the harbor.

Shortly after the *Geier* entered the port of Honolulu the steamer *Locksun* arrived. It was found that this vessel had delivered coal to the *Geier* en route and had accompanied her toward Hawaii. As she had thus constituted herself a tender or collier to the *Geier* she was accorded the same treatment and interned on November 7.

(18) *Unfairness to Germany in rules relative to coaling of warships in Panama Canal Zone.*

By proclamation of November 13, 1914, certain special restrictions were placed on the coaling of warships or their tenders or colliers in the Canal Zone. These regulations were framed through the collaboration of the State, Navy, and War Departments and without the slightest reference to favoritism to the belligerents. Before these regulations were proclaimed, war vessels could procure coal of the Panama Railway in the zone ports, but no belligerent vessels are known to have done so. Under the proclamation fuel may be taken on by belligerent warships only with the consent of the canal authorities and in such amounts as will enable them to reach the nearest accessible neutral port; and the amount so taken on shall be deducted from the amount procurable in United States ports within three months thereafter. Now, it is charged the United States has shown partiality because Great Britain and not Germany happens to have colonies in the near vicinity where British ships may coal, while Germany has no such coaling facilities. Thus, it is intimated

the United States should balance the inequalities of geographical position by refusing to allow any warships of belligerents to coal in the canal until the war is over. As no German warship has sought to obtain coal in the Canal Zone the charge of discrimination rests upon a possibility which during several months of warfare has failed to materialize.

(19) *Failure to protest against the modifications of the Declaration of London by the British Government.*

The German Foreign Office presented to the diplomats in Berlin a memorandum dated October 10, calling attention to violations of and changes in the Declaration of London by the British Government and inquiring as to the attitude of the United States toward such action on the part of the allies. The substance of the memorandum was forthwith telegraphed to the department on October 22 and was replied to shortly thereafter to the effect that the United States had withdrawn its suggestion, made early in the war, that for the sake of uniformity the Declaration of London should be adopted as a temporary code of naval warfare during the present war, owing to the unwillingness of the belligerents to accept the declaration without changes and modifications, and that thenceforth the United States would insist that the rights of the United States and its citizens in the war should be governed by the existing rules of international law.

As this Government is not now interested in the adoption of the Declaration of London by the belligerents, the modifications by the belligerents in that code of naval warfare are of no concern to it except as they adversely affect the rights of the United States and those of its citizens as defined by international law. In so far as those rights have been infringed the department has made every effort to obtain redress for the losses sustained.

(20) *General unfriendly attitude of Government toward Germany and Austria.*

If any American citizens, partisans of Germany and Austria-Hungary, feel that this administration is acting in a way injurious to the cause of those countries, this feeling results from the fact that on the high seas the German and Austro-Hungarian naval power is thus far inferior to the British. It is the business of a belligerent operating on the high seas, not the duty of a neutral, to prevent contraband from reaching an enemy. Those in this country who sympathize with Germany and Austria-Hungary appear to assume that some obligation rests upon this Government in the performance of its neutral duty to prevent all trade

in contraband, and thus to equalize the difference due to the relative naval strength of the belligerents. No such obligation exists; it would be an unneutral act, an act of partiality on the part of this Government to adopt such a policy if the Executive had the power to do so. If Germany and Austria-Hungary can not import contraband from this country, it is not, because of that fact, the duty of the United States to close its markets to the allies. The markets of this country are open upon equal terms to all the world, to every nation, belligerent or neutral.

The foregoing categorical replies to specific complaints is sufficient answer to the charge of unfriendliness to Germany and Austria-Hungary.

I am, etc.,

W. J. BRYAN.

Hon. WILLIAM J. STONE,

*Chairman Committee on Foreign Relations,*

*United States Senate, Washington, D. C.*

## PART XII.

TRANSMISSION OF MAIL OF AMERICAN DIPLOMATIC  
AND CONSULAR OFFICERS.

*The Secretary of State to Ambassador Penfield.*<sup>1</sup>

[Telegram.]

DEPARTMENT OF STATE,

*Washington, November 25, 1914.*

This government is desirous of establishing uniform regulations for transmission of correspondence of American diplomatic and consular officers in belligerent territory. Inquire of Austro-Hungarian government whether it would agree to the following regulations for American diplomatic and consular officers in Austria-Hungary: First, all correspondence between American diplomatic and consular officers within Austrian territory to be inviolable if under seal of office; second, no correspondence of private individuals to be forwarded by diplomatic and consular officers under official cover or seal; third, official correspondence between American diplomatic officers residing in different countries is not to be opened or molested if under seal of office; fourth, official correspondence under seal of office between Department of State and American diplomatic and consular officers is not to be opened or molested; fifth, pouches under seal passing between American diplomatic missions by mail or courier not to be opened or molested; sixth, correspondence other than that described in foregoing sent by ordinary mail to be subject to usual censorship. Similar inquiries being made of other belligerent governments in respect to correspondence of American officers in their dominions.

BRYAN.

*The Secretary of State to Ambassador Penfield.*

No. 331.]

DEPARTMENT OF STATE,

*Washington, May 20, 1915.*

SIR: Referring to the Department's telegram No. 305, of November 25, 1914, with regard to the establishment of uniform regulations for

<sup>1</sup> (Same, *mutatis mutandis*, to the Embassies at London, Berlin, Paris, Tokyo, and Constantinople, and the Legation at Bucharest.)



the transmission of the correspondence of American diplomatic and consular officers in belligerent territory, and to your telegraphic reply No. 334, of December 8, 1914, stating that the Austro-Hungarian Government have agreed to the proposal of this Government, there is now transmitted herewith, a copy of a telegram, dated April 23, 1915, which was sent to the missions accredited to the belligerent countries with the exception of Vienna, concerning the use of the official pouches.

In view of the Austro-Hungarian Government's prompt acquiescence in the Department's proposal of November 25, 1914, and the fact that the arrangement is apparently working out satisfactorily, the information contained in the inclosure herewith was not sent to you by telegraph.

I am, etc.,

For the Secretary of State:  
ROBERT LANSING.

[Inclosure.]

*The Secretary of State to Ambassador Sharp.*

[Telegram.]

DEPARTMENT OF STATE,  
Washington, April 23, 1915.

Department's 310, November 25, 1914, and circular December 18, 1914.<sup>1</sup>

In view of understanding between United States and belligerent countries regarding inviolability of Department's diplomatic and consular correspondence, the following rules established by the Department are hereby called to your attention:

1. Communications from private individuals or institutions abroad to private individuals or institutions in United States should not be sent in Department pouches.

2. Personal letters from United States Diplomatic or Consular officers or employees of American missions or consulates abroad addressed to private individuals in United States may be sent in pouches, but should be censored by heads of missions with a view to prevent transmission of statements which would otherwise be censored by Governments, and should be left unsealed with postage fully prepaid.

3. Official correspondence of diplomatic and consular officers to individuals outside of Department should be marked "Official business," and should be left unsealed.

4. Communications from nations at war to agents in the United States should not be transmitted through pouches.

5. The Department reserves right to censor all mail received in the pouches.

BRYAN.

<sup>1</sup> Not printed.

## PART XIII.

CENSORSHIP OF TELEGRAMS TRANSMITTED BY CABLE  
AND WIRELESS.

## EXECUTIVE ORDER.

Whereas Proclamations having been issued by me declaring the neutrality of the United States of America in the wars now existing between various European nations; and

Whereas it is desirable to take precautions to insure the enforcement of said Proclamations in so far as the use of radio communication is concerned;

It is now ordered, by virtue of authority vested in me to establish regulations on the subject, that all radio stations within the jurisdiction of the United States of America are hereby prohibited from transmitting or receiving for delivery messages of an unneutral nature, and from in any way rendering to any one of the belligerents any unneutral service, during the continuance of hostilities.

The enforcement of this order is hereby delegated to the Secretary of the Navy, who is authorized and directed to take such action in the premises as to him may appear necessary.

This order to take effect from and after this date.

WOODROW WILSON.

THE WHITE HOUSE, 5 August, 1914.

[No. 2011.]

*The Secretary of State to Ambassador W. H. Page.*

[Telegram.]

DEPARTMENT OF STATE,  
Washington, August 15, 1914.

The Western Union Telegraph Company has requested the department to make such representations to the British Government as will admit of a more reasonable attitude with respect to censorships of cable messages by the War Office at London.

The company claims that by reason of unnecessary exactions in the way of full addresses and signatures to every message, no matter how innocent its character, the capacity of the working Atlantic cables has been cut down just 50 per cent on account of the fact that these requirements have served to exactly double the number of words of the average message, which not only reduces the capacity of the cables at a time when the demand upon the cables exceed their capacity, but also doubles the cost to the public without any possible apparent advantage to the military operations in England.

It is urged by the company that requiring full addresses in cases of well-known firms and full signatures is wholly unnecessary. The company also protests against the action of the British censors forbidding company to make inquiries respecting the delivery of messages. You will attempt to secure modification of reported British restrictions mentioned herein.

BRYAN.

*The Secretary of State to Ambassador W. H. Page.*

[Telegram.]

DEPARTMENT OF STATE,  
Washington, August 22, 1914.

Department is informed that British censors will not pass the usual service correspondence provided for in International Telegraph Regulation whereby errors made in transmission are corrected without expense to public, and require that all such corrections shall be made by private messages exchanged between addressees and senders and paid for. As this restriction apparently possesses no possible military features, but bears solely upon an administrative feature of international cable service and greatly increases cost to cabling public, make representations to British Government looking to removal of present embargo on repetition requests.

BRYAN.

*Ambassador W. H. Page to the Secretary of State.*

No. 419.]

AMERICAN EMBASSY,  
London, August 24, 1914.

SIR: With reference to your telegram of August 15, 5 p. m., I have the honor to transmit herewith a copy of a note I have just received from the

Foreign Office touching the censorship of telegraphic messages passing over the Atlantic cables.

I have, etc.,

WALTER HINES PAGE.

[Inclosure.]

*The British Secretary of State for Foreign Affairs to Ambassador W. H. Page.*

FOREIGN OFFICE, August 23, 1914.

The Secretary of State for Foreign Affairs presents his compliments to the United States Ambassador and has the honor to refer to the memorandum which the United States Embassy were good enough to communicate to this office on the 17th instant, on the subject of certain representations made by the Western Union Telegraph Company to the State Department in respect of the censorship of telegraphic messages passing over the Atlantic cables.

Sir Edward Grey has the honor to point out that, in order to enable the censors to carry out their instructions without unduly delaying the delivery of telegrams, it is essential that they should be able to tell at a glance to whom a message is addressed and from whom it emanates. Subject to this condition being observed, the British censors have not been requiring full addresses or signatures in the case of really well-known firms.

As regards enquiries respecting the delivery of such messages as may have been stopped in the public interest it does not appear to be practicable to remove the prohibition on such enquiries without impairing the usefulness of the censorship.

While therefore they are anxious to inconvenience the company as little as possible, His Majesty's Government regret that they are unable, for the reasons stated above, to modify the censorship regulations to the extent desired.

*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
London, August 27, 1914.

Please inform all foreign missions concerned that British censorship regulations provided that only messages passing between diplomatic missions and the Government at Washington may go in cipher. All others must be open.

PAGE.

*The Secretary of State to Ambassador W. H. Page.*

[Inclosure.]

DEPARTMENT OF STATE,  
*Washington, September 2, 1914.*

Department's August 15, 5 p. m. Western Union Telegraph Company again requests Department to endeavor secure still further modification of British censorship regulations with reference to code addresses and signatures. Company represents that since code addresses are merely condensation of plain addresses they can not be used to convey hidden meaning, but simply represent registration made at point of destination to indicate name and address of person for whom message intended. Company further represents that in view of restrictions of messages to plain language, which entails great increase in cable charges, it is most important that such increase not be further augmented by inability to avail of usual condensation permitted by code addresses. Company states that other nations do not seem to have attached same importance to address feature and that it understands messages for France and Italy from United States over French cables are being passed with usual code addresses.

You will bring the company's representations to attention of Foreign Office and endeavor secure modification desired.

BRYAN.

## EXECUTIVE ORDER.

Whereas an order has been issued by me dated August 5, 1914, declaring that all radio stations within the jurisdiction of the United States of America were prohibited from transmitting or receiving for delivery messages of an unneutral nature and from in any way rendering to any one of the belligerents any unneutral service; and

Whereas it is desirable to take precautions to insure the enforcement of said order insofar as it relates to the transmission of code and cipher messages by high-powered stations capable of trans-Atlantic communication;

Now therefore it is ordered by virtue of authority vested in me by the radio act of August 13, 1912, that one or more of the high-powered radio stations within the jurisdiction of the United States and capable of trans-Atlantic communication shall be taken over by the Government of

the United States and used or controlled by it to the exclusion of any other control or use for the purpose of carrying on communication with land stations in Europe, including code and cipher messages.

The enforcement of this order and the preparation of regulations therefor is hereby delegated to the Secretary of the Navy, who is authorized and directed to take such action in the premises as to him may appear necessary.

This order shall take effect from and after this date.

WOODROW WILSON.

THE WHITE HOUSE, 5 September, 1914.

[No. 2042.]

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*Ambassador W. H. Page to the Secretary of State.*

No. 450.]

AMERICAN EMBASSY,  
*London, September 16, 1914.*

SIR: Referring to your cablegram of September 3, by which I was instructed to present to the British Foreign Office an appeal on behalf of the Western Union Telegraph Company in reference to the British Censorship Regulations as to addresses upon cablegrams, I have the honor to enclose herewith a copy of a memorandum from His Majesty's Secretary of State for Foreign Affairs, in reply to my memorandum of September 3, bringing his attention to the substance of the above-mentioned cablegram from the Department.

I have, etc.,

WALTER HINES PAGE.

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[Inclosure.]

*The Secretary of State for Foreign Affairs to Ambassador W. H. Page.*

FOREIGN OFFICE, *September 15, 1914.*

The Secretary of State for Foreign Affairs presents his compliments to the United States Ambassador, and, with reference to the Embassy's memorandum of the 3d instant on the subject of the British Censorship Regulations, has the honour to inform His Excellency that he has caused enquiries to be made in respect of the points raised by the Western Union Telegraph Company.

The question of code addresses in plain language telegrams is more complicated than at first sight would appear. Although it is true that so long as any individual or firm is only allowed to register one code address, the possibility of abuse is almost eliminated, yet when, as in the United States, there is no limit to the number of code

words that may be registered for the same address, this latitude could easily be adapted to the surreptitious conveyance of information.

The matter is, however, engaging the attention of the competent British authorities with a view to the discovery of some safe means of giving the mercantile community the relief desired.

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*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
*London, September 19, 1914.*

Your telegram fourteenth.<sup>1</sup> Foreign Office regrets delay of telegrams between the Washburn Crosby Company and their agent at Christiania. Instructions have been given to interfere as little as possible with genuine business telegrams between neutral countries and British Government. Trusts no further inconvenience will be experienced by the company in question.

PAGE.

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*The British Ambassador to the Secretary of State.*

No. 330.]

BRITISH EMBASSY,  
*Washington, September 24, 1914.*

SIR: With reference to the letter from the Counselor of the State Department to Mr. Barclay, dated the 13th ultimo,<sup>1</sup> and to Mr. Barclay's reply, dated August 15, in regard to complaint received from the Western Union Telegraph Company of the severity of the censorship imposed by His Majesty's Government on cable messages, I have the honour to report that Sir Edward Grey, in reply to a similar communication from the United States Ambassador in London, has sent to his Excellency Mr. Page the memorandum of which a copy is enclosed herein.<sup>2</sup>

I have, etc.,

CECIL SPRING-RICE.

<sup>1</sup> Not printed.

<sup>2</sup> Not printed; same matter appears as inclosure to Mr. Page's dispatch of August 24, 1914. See p. 272.

*The Acting Secretary of State to Ambassador W. H. Page.*

[Telegram.]

DEPARTMENT OF STATE,  
 Washington, September 26, 1914.

The department has received a great many protests from commercial houses and boards of trade and transportation throughout the United States in regard to the suppression by British censors of cable communications to and from neutral countries. This considerably interferes with legitimate foreign commerce between the United States and neutral countries. You may present the matter to the British Foreign Office with the suggestion that the department deems it very desirable to discontinue suppressing harmless commercial cables. Another great hardship has been that when suppressions have been made the senders of cables have not been informed of nondelivery. This should also be remedied. The department is awaiting an early reply.

LANSING.

*The Secretary of State to Ambassador W. H. Page.*

[Telegram.]

DEPARTMENT OF STATE,  
 Washington, October 1, 1914.

Are full address and signature still necessary on department's telegrams to London and beyond?

BRYAN.

*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
 London, October 2, 1914.

Your 229 first. No change in censorship regulations.

PAGE.

*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
 London, October 5, 1914.

Your cable 26 September. Sir Edward Grey informs me that he has taken up with the chief censor the matter of the censorship of telegrams



passing between the United States and neutral countries with the object of avoiding undue interference with such telegrams.

PAGE.

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*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
*London, October 13, 1914.*

Your telegram September 26. Sir Edward Grey informs me that some time ago instructions were given to discontinue the suppression of commercial telegrams between the United States and neutral countries. He states, however, that cases occur in which telegrams disclose what appears to be an attempt to establish trade with a country at war with Great Britain, but that even in these cases the telegrams are passed for transmission unless it appears that delivery would entail the effecting of some important transaction detrimental to British interests. He adds with regard to the question of notifying the sender of nondelivery of stopped telegrams that it seems clear that to do so in the case of telegrams above referred to would only be to defeat the object of censorship, and Sir Edward Grey hopes that the United States Government will agree with him in thinking that as only such telegrams are being suppressed no hardship is being inflicted upon legitimate trade between the United States and neutral countries.

PAGE.

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*The Acting Secretary of State to Ambassador W. H. Page.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, October 14, 1914.*

Your 826. Department is confident that Sir Edward Grey will appreciate the hardship inflicted upon American interests in failing to notify the sender of the nondelivery of stopped telegrams sent in good faith; that is, the sender may proceed with his part of the contract on the supposition that his message has been delivered and thereby incur con-

siderable expense. It would appear to the department that notification of nondelivery would be more courteous and just. Please take up this matter personally with Sir Edward Grey and endeavor to obtain the desired relief.

LANSING.

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*Ambassador W. H. Page to the Secretary of State.*

No. 524.]

AMERICAN EMBASSY,  
London, October 23, 1914.

SIR: I have the honour to transmit herewith a copy of a note I have just received from the Foreign Office upon which my telegram of to-day's date was based, relating to the detention at Hongkong of telegrams from the colonel commanding the United States forces at Tientsin to the commanding general at the Philippines.

I have, etc.,

WALTER HINES PAGE.

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[Inclosure.]

*The British Secretary of State for Foreign Affairs to Ambassador W. H. Page.*

No. 61306.]

FOREIGN OFFICE, October 21, 1914.

YOUR EXCELLENCY: In reply to Your Excellency's note of the 7th instant I have the honour to state that His Majesty's Government regret that telegrams from the colonel commanding the United States forces at Tientsin to the commanding general in the Philippines should have been detained at Hong Kong.

From enquiries made it appears that two code telegrams dated August 21 and August 22 last, signed respectively Tillson and Rowell and addressed to a code address in the Philippines, were so detained.

Their detention was doubtless due to the fact that it was not contemplated before the outbreak of war that such messages would pass through the hands of the British censors, especially as there is a direct American cable from Shanghai to the Philippines. The messages in question were probably sent via Hong Kong during a temporary interruption of the direct route, of which the Hong Kong censor may have been unaware, and there was nothing in the signature nor address of these two messages to indicate that they were of an official nature.

His Majesty's Government will, of course, do all they can to facilitate the transmission of such messages; but in order to avoid delays they would be obliged if the signatures and addresses could be given in full, so as to indicate the official character of the sender and addressee.

I have, etc.,

E. GREY.

*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
*London, October 30, 1914.*

Sir Edward Grey has made further inquiries regarding censoring of commercial cables and informs me that as a general rule the senders are not informed of the stoppage of such messages and that exactly same rules are applied in this respect to British and American senders.

PAGE.

*Minister Stovall to the Secretary of State.*

[Telegram—Paraphrase.]

AMERICAN LEGATION,  
*Berne, November 5, 1914.*

Mr. Stovall says that the director of the Swiss People's Bank states that telegrams which he sent recently to New York relative to money transfers have not reached their destination, and that telegrams from Swiss banks to the United States regarding grain for the Swiss Government have been stopped somewhere and have never reached their destination. Mr. Stovall says it is believed that the messages are being censored in France and England, and that the Swiss bankers protest against this action, claiming that it interferes materially with business between the United States and Switzerland.

*The Acting Secretary of State to Minister Stovall.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, November 6, 1914.*

The Department regrets that it can do nothing in this case, as commercial cables are censored by belligerents and not by American authorities. This seems to be a matter that should be taken up by the Swiss ministers in London and Paris and not by this Government.

LANSING.

*Ambassador T. N. Page to the Secretary of State.*

[Telegram—Paraphrase.]

AMERICAN EMBASSY,  
*Rome, November 9, 1914.*

Mr. Page reports that the representative of the American Trade Agency at Rome, Mr. Henry S. Cavanaugh, an American citizen, says he is unable to effect cable communication with American firms, that messages relating to important commercial transactions and having no connection with contraband articles are not delivered, and asks an investigation.

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*The Secretary of State to Ambassador T. N. Page.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, November 10, 1914.*

The American Ambassador, London, has taken up the question of censorship of cables with the Foreign Office. Sir Edward Grey has promised to facilitate in every manner possible the transmission of commercial messages sent in plain language, and has also agreed that code addresses may be used where they have been registered. Since this arrangement has gone into effect Department has received practically no complaint. There seems to be no reason why an investigation should be made.

BRYAN.

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*Minister Stovall to the Secretary of State.*

AMERICAN LEGATION,  
*Berne, November 10, 1914.*

SIR: In reference to my telegram of the 6th instant and your number 50 of the 7th instant about the interruption of commercial cable messages between Switzerland and the United States, I desire to append herewith the note of the Swiss Government received this day, and also the copy of a letter from the General Postoffice, London, to the Director General of Swiss Telegraphs in Berne.

The Swiss Government reports a growing discontent with the manner

in which these messages are being censored, especially to the United States, even when their composition absolutely complies with the rules in force. The Telegraph administration has referred these complaints to the Political Department, and this letter has asked me to bring them before the Secretary of State in Washington. I have informed them of my action and shown them your reply.

I do not know that anything else can be done, but I may state that the banks and the shippers bring the matter continually before the authorities here.

• I have, etc.,

PLEASANT A. STOVALL.

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[Inclosure 1.]

*The Federal Political Department to Minister Stovall.*

POLITICAL DEPARTMENT OF THE SWISS CONFEDERATION,

*Berne, November 9, 1914.*

Referring to its verbal communication of to-day, the Federal Political Department has the honor to confirm to His Excellency the American Minister the fact that the Swiss merchants strongly complain against the British censorship for having retained and censured numerous telegrams from Switzerland to the United States and vice versa, although the contents of the telegrams in question would in no way seem to justify such measure.

As the steps taken directly by the Swiss Telegraph Administration with the British Telegraph Administration did not meet the expected success (see the two enclosures), and as, on the other hand, the United States would seem to have the greatest interest in the maintenance of their economical relations with the neutral countries of Europe, the Political Department would propose to the Minister of the United States to intervene with his Government to the effect that the latter take steps in London to obtain from the British Government in the matter of telegraphic communications an exercise of the censure less prejudicial to the reciprocal commercial interests concerned.

The Swiss Minister in Washington will be requested, to propose, on his part, to the Cabinet in Washington that joint representations be made to the British Government by the Representatives of the United States and Switzerland in London.

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[Inclosure 2.]

GENERAL POST OFFICE,

*London, November 2, 1914.*

SIR: With reference to your letter of the 15th October, No. 195.2118, respecting the censorship exercised by the British Government on foreign telegrams, I am directed

by the Postmaster General to point out that article 8 of the International Telegraph Convention reserves to each of the contracting States the right of suspending the international telegraph service for an indefinite period. Such a notice was issued by the British Government when the present emergency arose, but in order to avoid the inconvenience which would have arisen from a total stoppage of communication it was decided as an *act of grace* to accept telegrams for transmission on the understanding that they were to be accepted at the sender's risk and subject to censorship by the British authorities; that is, that they might be stopped, delayed, or otherwise dealt with by the censors, and that no claim for reimbursement could be entertained. These conditions were duly notified through the International Telegraph Bureau on the 3d August.

All telegrams sent or received from places abroad are being dealt with accordingly. The Postmaster General, while much regretting the inconvenience occasioned, fears that it will not at present be practicable to modify the regulations.

I have, etc.,

(Signed) \_\_\_\_\_

*The Secretary of State to Ambassador W. H. Page.*

[Telegram.]

DEPARTMENT OF STATE,  
Washington, November 12, 1914.

From Copenhagen, 11th. Danish firms conducting business with American houses protest against English censorship of open commercial cables, which is ruining business between America and Denmark. Please present this matter to Foreign Office with a view to ameliorating the hardships described.

BRYAN.

*The Swiss Minister to the Secretary of State.*

LEGATION OF SWITZERLAND,  
Washington, November 12, 1914.

The following cable from Berne, received by the Swiss Legation, Thursday, November 12, 1914, left at the Department of State, November 18, 1914:

Since beginning of war and especially lately our business world is being heavily damaged on account of English and French censure simply suppressing hundreds of telegrams from Switzerland to North America and vice versa, although being purely

commercial communications. Refunding of telegram costs does not take place. Attitude of censure apparently explains itself through general although unfounded presumption, that Swiss firms transmit telegrams of German houses. As damage affects America as well as Switzerland, you will propose American government common steps in London and Bordeaux. Upon our desire Minister Stovall also cables his government. The latter perhaps has received complaints concerning telegram service between America and other neutral countries. As soon as your answer arrives our ministers in Paris and London will receive instructions.

HOFFMAN.

*President Confederation.*

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*Memorandum to the Swiss Legation.*

DEPARTMENT OF STATE,

*Washington, November 20, 1914.*

Referring to the copy of cable message from the Government of Switzerland, dated November 12, submitted to the Department of State by the Swiss Legation, the Department begs to inform the Legation that it has instructed the American ambassadors at London and Paris to coöperate in every way possible with the Swiss ministers at those capitals in the matter of the censorship of commercial cable messages exchanged between the United States and Switzerland.

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*The Acting Secretary of State to Ambassador W. H. Page.<sup>1</sup>*

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,

*Washington, November 20, 1914.*

Mr. Lansing refers to Embassy's 826, received October 13, stating that the Embassy was advised by Sir Edward Grey that instructions had been given to discontinue the suppression of commercial cables between neutral countries and the United States, and stating that even when cases occurred in which telegrams disclosed what seemed an attempt to establish trade with a country which was at war with Great Britain the telegrams would be passed for transmission unless it appeared that their

<sup>1</sup> Same to Embassy at Paris.

delivery would promote an important transaction which would be detrimental to the interests of the British Government. Mr. Lansing calls the attention of Mr. Page to the fact that there is an increase each day in the number of protests received from reliable business firms in the United States against the way in which the British Government is exercising its censorship at the present time over purely commercial cables. He says in addition to these protests the Department is receiving protests from Danish firms transacting business with American commercial houses, to which reference is made in Department's 523, and states that this Government has been approached also by the Swiss Government with a view to the presentation of a joint protest to Great Britain on account of the unreasonable rules relating to the censorship of commercial cable messages between Switzerland and the United States. Mr. Lansing states that the Department has been advised that the Swiss minister at London has been instructed also to protest against the rigors of the censorship as enforced at the present time. He says the Swiss minister will probably confer with the Embassy on the subject, and directs Mr. Page to coöperate with him in every way possible, but says the Department prefers to have a separate protest presented with a view to reaching some arrangement by which the present regulations regarding censorship may be amended so as to lessen the inconveniences, hardships, and loss of money which is entailed upon the commercial houses of the United States at this time. Mr. Lansing adds that the Department is sending a similar instruction to the Embassy at Paris, and instructs Mr. Page to keep the Department fully informed as to the action of the British Government.

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*The Acting Secretary of State to Minister Stovall.*

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,  
*Washington, November 20, 1914.*

Mr. Lansing informs Mr. Stovall that the American ambassadors at London and Paris have been instructed to confer with the Swiss ministers at those capitals regarding the matter of the censorship of cablegrams between Switzerland and the United States with view to making joint



representation. Says Department will inform the Swiss minister in Washington as soon as report is received.

*Ambassador Herrick to the Secretary of State.*

[Telegram—Extract.]

AMERICAN EMBASSY,  
*Paris, November 22, 1914.*

French Government yesterday authorized telegrams from France, Algeria, and Tunis sent over French cable lines to West Africa, United States, etc., to be in following codes: A B C, 5th edition; Scotts, 10th edition; Western Union, Liebers, and code A Z. The use of supplementary codes on words is not allowed. Name of code to be written on the telegram sent, must be accompanied by translation into French or English. This translation will be charged 5 centimes per word except at Paris, Marseilles, and Brest, where the control will be exercised. While telegraph administration will assume no responsibility for delay, it will endeavor to expedite despatch of messages (\* \* \*<sup>1</sup>) with necessary examination.

HERRICK.

*Ambassador W. H. Page to the Secretary of State.*

[Telegram—Paraphrase—Extract.]

AMERICAN EMBASSY,  
*London, November 25, 1914.*

Mr. Page acknowledges Department's November 20 and says he has made protest to Foreign Office regarding suppression of commercial telegrams exchanged between the United States and Switzerland and the United States and Denmark. That Foreign Office regretted that particular telegrams of which complaint was made could not be furnished, stating that each telegram would indicate the reason for its suppression. Mr. Page says he reminded the Minister for Foreign Affairs of previous complaints and of the lack of satisfaction and of the many commercial complaints and losses, and that minister asserted that protest would be placed in hands of Prime Minister and his report sent to Embassy when received. Mr. Page says that, unless there is some

<sup>1</sup> Apparent omission.

arrangement concerning which he has not been informed, he understands the British Government has the right as a war measure to suppress messages over British lines, but he says there has been so much criticism from so many quarters that he hopes for a relaxation of the censorship restrictions.

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*Ambassador T. N. Page to the Secretary of State.*

[Telegram—Paraphrase.]

AMERICAN EMBASSY,  
*Rome, November 27, 1914.*

Mr. Page reports that complaints continue relative to undelivered telegrams to American commercial companies, including important messages to the Curtis Aeroplane Company. Mr. Page states that the interference is apparently from the outside and says business is much disturbed.

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*Ambassador Willard to the Secretary of State.*

[Telegram—Paraphrase.]

AMERICAN EMBASSY,  
*Madrid, November 27, 1914.*

Mr. Willard says the Consul General at Barcelona reports that cotton importations from the United States to Spain are seriously interfered with on account of the British censorship of intelligently worded cable messages in clear English referring to transactions in cotton purchases, and states that the Consul General asks on behalf of Spanish importers relief from censorship interference with such messages.

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*The Secretary of State to Ambassador T. N. Page.*

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,  
*Washington, December 1, 1914.*

Mr. Bryan informs Mr. Page that the Department on November 20 instructed Mr. Page at London to again take up with the Foreign Office

the question of cable censorship, and says on November 25 Mr. Page reported that unless there was some other understanding of which the Embassy was not informed the British Government had the right as a war measure to suppress messages transmitted over their cable lines. Mr. Page said he hoped, however, for a relaxation of the rules on account of the insistent criticism which was coming from many quarters.

Mr. Bryan says the Department is also in receipt of a telegram from the American Embassy at Paris, dated November 22, stating that by authority of the French Government telegrams from France, Algeria, and Tunis sent over French lines to West Africa, the United States, etc., may be in the following codes: A. B. C., 5th edition; Scott's, 10th edition; Western Union, Lieber's, and the A. Z. Code; that the use of supplementary codes on words will not be allowed; that the name of the code which is written on the telegram sent must be accompanied by a French or an English translation; that 5 centimes per word will be charged for the translation except at Paris, Marseilles, and Brest, where control is exercised, and that while the Telegraph Administration will not assume responsibility for delays, an effort will be made to expedite the despatch of messages.

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*Ambassador T. N. Page to the Secretary of State.*

[Telegram—Paraphrase.]

AMERICAN EMBASSY,  
Rome, December 2, 1914.

Mr. Page says the British Ambassador at Rome confirms the report of the American Embassy at London that the British Government is investigating the detention of commercial telegrams, and states that the British Government has no desire to delay such messages. Mr. Page states, in reply to his inquiry as to whether detention occurs in Italy, the Italian Minister for Foreign Affairs informs him that complaints have been received from the Chamber of Commerce at Naples, from the Bank of Naples, and from private firms whose telegrams of a purely commercial character have been stopped by French and British censors, and that the matter has been taken up with the British and French Governments. Mr. Page adds that the Italian Minister for Foreign

Affairs requests as a matter of common interest that the United States coöperate to have the practice stopped.

*The Secretary of State to Ambassador W. H. Page.*

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,  
*Washington, December 2, 1914.*

Mr. Bryan informs Mr. Page that the Department is advised by the Embassy at Madrid that the Consul General at Barcelona states that cotton importations from the United States to Spain are seriously interfered with on account of British censorship of cablegrams in clear English and intelligently worded and referring to cotton transactions. Mr. Bryan says relief from this censorship interference is requested, and instructs Mr. Page to take the matter up with the British Foreign Office.

*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
*London, December 2, 1914.*

Your 582 and my 1138.

I have just received the following statement from Sir Edward Grey:

In connection with complaints about both press and commercial cables, I can make no progress without specific instances of difficulties. The censorship ask that the names of the addressees and senders of stopped telegrams should be given in order that inquiry may be made. The chief censor is willing to make most searching inquiry, and if it is found that any message has been stopped without sufficient *prima facie* grounds, all the necessary steps will be taken to prevent the occurrence of similar cases in future. The chief censor would indeed welcome specific instances, as they would possibly be accompanied by evidence of the innocence of messages that have appearance of being suspicious and this might give a clue to the nature of a whole class of messages. The chief censor is confident that American and Swiss telegrams are not being stopped wantonly, but only when there appears on the face of them good reasons for supposing that they may be improper messages. About 50,000 commercial telegrams between neutral countries pass through the hands of the censorship every day, and I imagine that comparatively few are delayed.

PAGE.

*The Secretary of State to Ambassador W. H. Page.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, December 3, 1914.*

Your 1138, November 25 and 1183, December 2.

The question of complaints concerning press and commercial cables seems one that can be relieved only by amendment of censorship regulations. It appears to Department that the demand for specific instances and names of addressees and senders of stopped telegrams would be useless in settling the general question of censorship. As is probably well known by the British censors, it would be almost impossible for Department to obtain any considerable number of instances where names and dates could be given. It appears from British statement that more than 50,000 commercial cables pass through censorship daily and therefore where isolated cases arise it must be because of the arbitrary methods adopted.

To be as specific as possible, however, Department is forwarding a protest received to-day from the Western Union Telegraph Company, which is in part as follows:

It states that, beginning November 20, French Telegraph Cable Company will accept messages for France, Algiers and Tunis, in code, provided the A B C, 5th edition; Scott's, 10th edition; Liebers; Western Union, or A Z codes are used. About the same date it was learned through company's representative at Havana that the French company had agreed to transmit plain Spanish messages for Spain. Both matters were immediately referred to company's London officials and were presented to British military censors with view to obtaining the same privileges, and company is now advised that censors have declined its request. This action appears to company to discriminate against American cablers who desire to use American cables instead of those of the French company, which is a foreign concern. In view of this protest, please make further representations to Foreign Office to the end of having censorship restrictions removed as far as possible. This matter becomes more urgent daily and the Department feels that something should be done immediately to relieve situation.

BRYAN.

*The Secretary of State to Ambassador T. N. Page.*

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,  
*Washington, December 4, 1914.*

Mr. Bryan directs Mr. Page to coöperate with his Italian colleagues in the matter of censorship of commercial cables.

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*Ambassador Gerard to the Secretary of State.*

[Telegram—Paraphrase.]

AMERICAN EMBASSY,  
*Berlin, December 4, 1914.*

Mr. Gerard says the German Foreign Office in referring to the necessity for uninterrupted telegraphic communication between Germany and the United States relative to cotton matters states that it seems from reliable sources that cablegrams sent over commercial lines and Western Union to Memphis and New Orleans, even from neutral countries referring to cotton transactions and giving or confirming orders or repetition of unanswered messages have not been acknowledged. Mr. Gerard says the German Government assumes therefore that the interested parties in Great Britain have censored these messages so as to render indefinite her agreement that cotton might go to European countries as noncontraband. Mr. Gerard adds that the German Government asks the United States Government to take the necessary steps to secure the uninterrupted transmission of cotton messages.

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*The Secretary of State to Ambassador Sharp.*

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,  
*Washington, December 7, 1914.*

Mr. Bryan instructs Mr. Sharp to bring to the attention of the Foreign Office the following in substance from Ambassador Nelson Page at Rome:

Complaints are being received of commercial and official telegrams being delayed or intercepted by the French and that among them are several from Consul General at Genoa, and also one to commander of *Jason* about coaling, and says Italians are making similar complaints.

BRYAN.

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*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
*London, December 7, 1914.*

Your 684, December 2, 678, December 3, and 679, December 3, presented and in the discussion Sir Edward Grey promised to arrange an early conference between him and chief censor and me. He informed me that certain telegrams were stopped because an unnatural number and arrangement of Christian names in them suggested that they concealed a cipher. I shall immediately take up your telegram just come citing welcome specific cablegrams.

PAGE.

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*The Secretary of State to Ambassador W. H. Page.*

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,  
*Washington, December 11, 1914.*

Mr. Bryan states that New Orleans Cotton Exchange has received several complaints against the action of the British and French censors in holding up cablegrams to and from the United States with regard to purchase and sale of cotton. He further states that no cable codes are allowed to neutral countries and cables are charged full rates by cable companies, delivered or not delivered. Complaints deal chiefly with cablegrams between Italy and Spain and the United States. Mr. Bryan also states that great trouble and confusion arise when one of a series of cables is missing and that it means an endless expense in sending various cables endeavoring to get one of them to destination, explaining all that has been done in the past.

Mr. Bryan says the Exchange recommends most earnestly that there

be granted permission for the use of Meyer's or Shepperson's Cotton Codes, see Liverpool Cotton Gazette of November 21. The Exchange further states that the action of the British and French censors is having a very disastrous influence on the financial conditions in the cotton States of the South.

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*The Secretary of State to Ambassador W. H. Page.*

DEPARTMENT OF STATE, •

*Washington, December 11, 1914.*

SIR: Referring to the Department's telegram of to-day's date with reference to the numerous complaints received by the New Orleans Cotton Exchange against the action of the British censors in holding up cablegrams to and from the United States regarding the purchase and sale of cotton, I transmit herewith copy of a letter received from Mr. E. J. Glenney, president of that exchange, enclosing copies of a number of letters received by him on this subject.

As stated in the Department's telegram of to-day, the New Orleans Cotton Exchange earnestly recommend that permission be granted by the censors for the use of Meyer's or Shepperson's Cotton Codes which, they state, are much more suitable for carrying on cable correspondence with regard to cotton than are the codes now permitted.

The Department trusts that the representations being made by you to the British Foreign Office on the subject of censorship of commercial cable messages will result in the granting of some relief to the commercial interests of this country.

I am, etc.,

For the Secretary of State:

ROBERT HANSING.

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*Ambassador W. H. Page to the Secretary of State.*

[Telegram—Paraphrase.]

AMERICAN EMBASSY,

*London, December 11, 1914.*

Mr. Page reports a conference between himself, the British Minister for Foreign Affairs, the head censor of commercial despatches and the head censor of press despatches, and says they make a strong protest



against the charge that they aim to impede neutral commerce. Mr. Page says he asked them if they did impede it what difference it made what their aim was. He says they disclaimed all knowledge of matter referred to in Department's 664, December 2, and thought it must be the work of Spanish censor, adding that all telegrams to and from Europe did not come through London. Regarding Department's 678, December 3, they claim that arrangements are being made to go into effect January 1 to allow the use of the same codes as are permitted by the French Cable Company. They say the information received by the Western Union that the French Company transmits plain Spanish messages for Spain is incorrect, and deny the alleged discrimination. Mr. Page says he referred to the Department's 679 of December 3 and insisted that a commercial cable body like the Galveston Cotton Exchange would certainly not send improper concealed telegrams, and he adds that while the censors granted this, they assert that they had no recollection of having stopped telegrams from such a body; that they could not find the cables referred to in the Department's 688 of December 5 without endless labor unless they knew the route of the telegram as their files are kept by routes, and that they would gladly take up any specific complaint giving the date, place, name of sender and receiver, and the telegraphic route. Mr. Page states he insisted that he should receive a daily list of all stopped messages with the names of senders, dates, places, and addresses. He says they promised to comply if their instructions permitted, but in response to his request that all stopped American telegrams be sent to him, they said that that would be illegal. They confess that there was ground for press complaints, which they claim is now removed, and they state that certain German banks and institutions in America have devised very ingenious codes which they use in most innocent looking telegrams. Mr. Page adds that future complainants should be asked to give data requested by the censors.

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*Ambassador T. N. Page to the Secretary of State.*

[Telegram—Paraphrase.]

AMERICAN EMBASSY,  
*Rome, December 14, 1914.*

Mr. Page asks if assurance can not be obtained from France and England that cable messages of a purely commercial character will not be

held up. He says the Italian Government asks the coöperation of the United States in the matter, that complaints are made from a good source, and that American trade is suffering greatly.

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*The Secretary of State to Ambassador W. H. Page.*

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,  
*Washington, December 15, 1914.*

Mr. Bryan informs Mr. Page that the Department is still receiving numerous protests against the action of censors in holding up business cables, as well as additional complaints regarding detained ships. He says with a view to hastening action the attention of the British Ambassador at Washington has been called to the fact that business men who are interested in shipping and cables are presenting their protests to Senators and Members of Congress. States that it is learned from other neutral Governments that the burdens borne by the nations not at war are being felt more and more, and instructs Mr. Page to bring the matter urgently to the attention of the Foreign Office with a view to reducing to a minimum interference with communication and shipping, setting forth that the sender should be notified by the company at once if transmission is refused, giving reasons so that correction may be made.

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*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
*London, December 17, 1914.*

British Government informs me that arrangements are being made to allow the use of Meyers Atlantic Cotton code, 29th edition in foreign telegrams and that a public announcement on the subject will be made as soon as the date of the admission of the code is settled. It is not at present practicable to allow the use of more than one cotton code and British Government are informed that the 29th edition of Meyers code is the one most generally used.

PAGE.

*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,

*London, December 17, 1914.*

Your 771 December 16 and 773 December 16 and my 1245 December 11. In that conference I asked the censor as I had previously asked Sir Edward Grey if he would not inform sender when his telegram was stopped. He replied that this would prevent him from finding out whether a suspected man was working a concealed cable and defeat the whole purpose of the censorship. I asked him next if he would not show me the stopped cablegrams, he replied that that would be illegal. I asked next if he would not inform me of the stopped telegrams, this he has not promised to do. As I receive this I will make the best use of it possible to straighten out difficulties. As previously reported I have taken the subject up also with the Danish and Swiss ministers and Italian and Spanish ambassadors. The Swiss Minister and I once made joint complaint.

PAGE.

*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,

*London, December 18, 1914.*

Your telegram 369, November 20. I have just received the following memorandum from the British Government showing the present regulations regarding the use of codes in foreign telegrams. You will notice that Bentley's complete phrase code is included in this list which I presume is the code which Mr. E. P. Thomas, president of the United States Steel Products Company, wishes to have added to the list of codes:

(1) The use of code will be permitted in telegrams passing between the United Kingdom on the one hand and countries outside the European telegraph system on the other, with the following exceptions: Abyssinia, Annam, Argentine Republic, Brazil, British Honduras, British New Guinea, Cochin China, Comoro Islands, Dutch East Indies, French Somali Coast and Italian possessions in East Africa, Falkland Islands, Flinders Islands, French India, Guinea (Dutch and French), Hedjaz, Liberia, Madagascar, New Caledonia, Paraguay, Pulo Condore, Reunion, St. Pierre and Miquelon, Tonquin, Uruguay, Yemen. The following places in West Africa, namely: French possessions Angola and Fernando Po and the following islands in the West Indies,

namely: Aruba Bonaire Guadeloupe, Les Saintes, Maria Galante, M Croix, St. Thomas and Tobago.

(2) The following codes selected in consultation with the board of thorized: ABC, 5th edition; Bentley's complete phrase code, not including rate mining and oil supplements; Broomhall's imperial combination code including the special rubber edition; Liebers code; Meyers Atlantic code edition, Scott's code, 10th edition; Western Union code.

(3) Messages in private code or in any unrecognized code are stopped by the censors.

(4) Neither private supplements nor the numerical equivalents of published codes are admissible. It should be especially remembered that series of numbers and similar expressions (e. g. prices of stocks) are not admissible because they appear in code if the decode would not have censors; neither will the coded messages be passed.

(5) All messages in code are decoded under arrangements made by the board for submission to the censors. Every effort is made to avoid delay in the transmission. It tends however to expedite the transmission of telegrams if persons sending coded telegrams deposit at the same time translations of the messages.

(6) In all cases the name of the code used must be indicated on the telegram.

(7) No charge is made for the transmission of the name of the code. A charge of 6 pence is charged for each outward telegram in code.

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*The British Ambassador to the Secretary of State.*

BRITISH EMBASSY  
Washington, December 1917

#### PRO MEMORIA.

The question of the stoppage and detention of commercial telegrams between the United States and Europe has been brought to the attention of the British Government by the United States Ambassador.

About 50,000 commercial telegrams a day pass through the transatlantic cables under censorship. Of these a small number have been stopped owing to the fact that there has been reason to believe that political and military news has been conveyed to belligerent countries by means of concealed codes.

The following arrangement has been communicated to the United States Ambassador.

Whenever the date of the despatch and addresses of the sender and the intended receiver are given, the censor will inform the United States Ambassador of the result.

sador in London whether the cable has been stopped and the reason for stopping it.

It is, however, to be observed that not all cables between Europe and the United States pass through the British censor.

CECIL SPRING-RICE.

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*Ambassador W. H. Page to the Secretary of State.*

[Telegram—Paraphrase.]

AMERICAN EMBASSY,  
*London, December 22, 1914.*

Ambassador Page informs the Department that on December 21 no cables to the United States were stopped, but that two from the United States were stopped for the reason that they stated that a British ship had been sunk which was not true.

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*The Secretary of State to Ambassador W. H. Page.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, December 22, 1914.*

Governor General Philippines informs War Department Chamber of Commerce Manila report business firms suffering serious loss due delay transmission purely commercial cablegrams, by censorship. In another message Governor General states Compania General Tabacos Filipinoa complains loss cablegrams exchanged with head office Barcelona. Company asks permission be obtained for transmission purely business messages in English signed Tabacalera Company via London.

Urgently represent to Foreign Office. Inform Department result.

BRYAN.

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*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
*London, December 29, 1914.*

I am unofficially informed by the British authorities that a telegram despatched by the Minister at Peking to the Consul General at Hong

Kong was held up by the censor at Hong Kong owing to its having been sent in cipher. According to British censorship regulations which were communicated to you early in August, cipher messages are permitted only between diplomatic officers and their governments. In this particular case, however, British Government has given instructions to pass the message. It might, however, save possible future delay of telegrams if the Peking Legation were reminded of the existing regulations.

PAGE.

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*The Acting Secretary of State to Minister Reinsch.*

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,  
*Washington, January 2, 1915.*

The acting Secretary of State informs Minister Reinsch that the British authorities advise the American Ambassador at London that a cipher telegram sent by Minister Reinsch to Consul General at Hong Kong was held up by the censor there, but later was allowed to pass.

The Acting Secretary of State further informs Minister Reinsch that the British censorship regulations provide that only messages passing between diplomatic missions and the Government at Washington may go in cipher and that all others must be open.

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*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
*London, January 4, 1915.*

Sir Edward Grey sends me a copy of a telegram addressed by Lever Brothers of Port Sunlight, England, to Solomon Brothers, Nassau, Bahamas, which appears to have been stopped by the United States censor at Miami, Florida. The senders declare the telegram purely commercial. Sir Edward Grey asks if it were stopped by United States censor that it may be released and forwarded to its destination. The telegram is as follows:

PORT SUNLIGHT, LIVERPOOL, ——— —.

TO SOLOMON BROTHERS, *Nassau, Bahamas:*

Advance tiger lion blue mottled 15 pence; harpoon archer 18 pence; pales 6 pence; browns carbolics 1 shilling, cwt.

(Cable company's number 246.)

LEVER BROTHERS.

PAGE.

*The Secretary of State to Ambassador W. H. Page.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, January 5, 1915.*

As message appears to be partially in code, the Department would be pleased to forward it after being put in plain, commercial language. Bring this to early attention of Sir Edward Grey to have little delay as possible.

BRYAN.

*Ambassador W. H. Page to the Secretary of State.*

[Telegram—Paraphrase.]

AMERICAN EMBASSY,  
*London, January 8, 1915.*

Mr. Page says he regrets to report that the stopping of commercial cables continues in perhaps a slightly diminished number, but there are stopped out of perhaps 10,000 from 40 to 60 a day, and the chief cause given is suspicion of technical commercial terms. He says he continues to insist on employment of men knowing the terms, especially in reference to the cotton trade, and thinks it will be necessary to inform our telegraphic companies and commercial bodies that the exclusion from telegrams of every technical word will be of greater help than anything else.

*The Secretary of State to Ambassador W. H. Page.*

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,  
*Washington, January 12, 1915.*

Mr. Bryan directs Ambassador Page to state to Foreign Office that Department regrets to appear insistent upon point that notification

should be given legitimate commercial firms of stopped opportunity afforded to these firms to change a word messages in order that they may be made more clear. Mr. Bryan says the argument that if notification were the stopped messages would have opportunity to change cealed codes seems to be foreign to the subject as the exchanges should be used have already been designated by the British and they have stated that plain English words should be practicable, with the phraseology of trade.

Mr. Bryan adds that all commercial organizations, telegraph exchanges, and parties protesting throughout the world are notified to use plain English words in cable messages.

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*The Secretary of State to Ambassador Willard*

[Telegram—Paraphrase.]

DEPARTMENT  
Washington, Jan

Ambassador Willard is instructed to find out whether the British are holding up commercial cablegrams exchange between the United States and Spain, and if true, urgently request that they allow all neutral cable messages to and from the United States through. In presenting this matter to the Foreign Office, Ambassador Willard is requested to point out the great injury inflicted on both countries by the suppression of purely commercial

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*Ambassador Sharp to the Secretary of State*

[Telegram.]

AMERICAN  
Paris, Jan

Referring to Department's instructions 349, November 10, telegram 369, December 11. Foreign Office just advises that the Broomhall, and Meyer codes have been admitted for telegraphic



sent over French lines under same conditions presented for codes previously admitted, which was reported in Embassy's 299 of November 21.

SHARP.

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*Ambassador Sharp to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
*Paris, January 23, 1915.*

Your 286, November 20, and subsequent instructions relative to protests from business firms of the censorship of commercial telegrams to neutral countries.

Foreign Office now assures me that French Government desirous of facilitating commercial telegraphic communications between neutrals in every way compatible with existing conditions and that orders have been given by Ministry of War with a view to allowing commercial messages to pass with as little delay as possible and minimum inconvenience to interested parties. Whenever delivery of a message is denied the sender will be notified. Will at once discuss with Foreign Office matter contained in your 496 of January 22, 7 p. m.

SHARP.

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*The Secretary of State to Ambassador W. H. Page.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, January 25, 1915.*

Following from Embassy at Paris:

Foreign Office now assures me that French Government desirous of facilitating commercial telegraphic communications between neutrals in every way compatible with existing conditions and that orders have been given by Ministry of War with a view to allowing commercial messages to pass with as little delay as possible and minimum inconvenience to interested parties. Whenever delivery of a message is denied the sender will be notified.

Please bring to attention Foreign Office, if you think desirable, in hope that British Government may be disposed to adopt similar measures.

BRYAN.

*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
London, January 28, 1915.

British Government now informs me that Meyers Atlantic cotton code, 39th edition, may be employed in telegrams between the United Kingdom and any country on the extra European telegraph system. This does not include British colonies.

PAGE.

*Ambassador W. H. Page to the Secretary of State.*

[Telegram—Paraphrase.]

AMERICAN EMBASSY,  
London, February 3, 1915.

Mr. Page reports that at his request the whole number of telegrams going both ways for three days was counted by the censor, who reported that the number stopped between the United States and Holland was 14 per cent of the total number, and 3 per cent between Scandinavian countries and the United States.

*The Secretary of State to Ambassador W. H. Page.*

No. 584.]

DEPARTMENT OF STATE,  
Washington, February 3, 1915.

SIR: With further reference to the matter of the censorship of cablegrams by the British authorities, your attention is directed to the enclosed copy of a letter,<sup>1</sup> dated January 19, from the manager of the Washington, D. C., office of the Western Union Telegraph Company.

You will note the contention of the company that the British Government should rely upon the French censorship to stop objectionable messages passing through France via England *en route* to neutral countries and beyond, just as, under the present revised regulations, they are relying upon the French censors to stop code messages for France.

The department concurs in the statement of the company that it

<sup>1</sup> Not printed.

seems "illogical and a serious detriment to American trade and business enterprise," that cable messages sent to neutral countries, which must pass through French territory but which are sent via England, should be held up by the British censor, while other messages sent via France, and not by way of England, are permitted to pass by the French censors.

Please take up this matter with the Foreign Office and endeavor to bring about an arrangement whereby any cablegrams destined for points in Europe and which must pass through French territory, shall be censored by the French censors and shall not be interfered with by the British authorities.

This seems to the department to be a most reasonable arrangement and it is earnestly hoped that your efforts in the premises may be successful.

I am, etc.,

For the Secretary of State:

ROBERT LANSING.

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*The Secretary of State to Ambassador W. H. Page.*

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,  
*Washington, February 10, 1915.*

Mr. Bryan says the department is receiving many protests from commercial organizations against British Government's refusal to permit code telegrams to pass between the United States and certain of the South American countries. In bringing this to the attention of the Foreign Office, Mr. Bryan instructs Mr. Page to point out that the telegrams under discussion are messages between neutral countries entirely outside war zone; that the matter of coding messages to South America is one in which this Government is deeply interested and is of greatest importance to American commercial houses, and directs him to urge an early reply.

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*Consul General Thackara to the Secretary of State.*

AMERICAN CONSULATE GENERAL,  
*Paris, February 12, 1915.*

Mr. Thackara transmits the following code regulations authorized by the French Government:

## USE OF TELEGRAPHIC CODES IN FRANCE.

Telegrams from France, Algeria, and Tunis, to countries situated outside Europe, excluding wireless messages, may be sent in the following codes: ABC, 5th edition; Scott's, 10th edition; Western Union; Lieber's code; Code AZ;\* Bentley's Complete Phrase Code, not including the special supplements for mining and oil industries;\* Broomhall's Imperial Combination Code, not including the special supplement for rubber;\* Meyer's Atlantic cotton code, 39th edition.\* The codes marked with a star (\*) may not be used for correspondence with British possessions and protectorates.

The use of two or more codes in one message is forbidden. The name of the code used must be marked on the telegram. The figures of the code must not be used, but only the word-code, and supplementary words, whose translation is not printed in the code, are forbidden. Telegrams whose sense, after translation, does not appear clear, nor apply to commercial, industrial, or private business are not accepted. To facilitate business and accelerate the transmission of telegrams, a translation of the code message must be attached thereto when it is handed in for despatch. Code messages are, according to their ultimate destination, forwarded for examination to Brest, Paris, or Marseilles. The plain language translation is charged for at the rate of 5 centimes (\$0.00965) per word, except for telegrams handed in at Paris, Brest or Marseilles, and which consequently have not to be telegraphed overland to an examining office.

The above regulations do not apply in the case of official or State telegrams of neutral countries which have received authorization to make use of a secret code.

The following is the list of countries with which the exchange of telegrams in code is authorized:

**AFRICA.**—All countries except Abyssinia, German Southwest Africa, German East Africa, Algeria, The Cameroons, Canary Islands, Belgian Congo, Morocco, Angola, Spanish possessions in Northern Africa, Italian possessions in the Red Sea, Tripoli, Tunis. *Routes of communication:* Dakar, Teneriff, Marseilles-Malta, Maderia, Sudan (for French West Africa only).

**NORTH AMERICA.**—All countries except Mexico, where telegrams in code are accepted only for Vera Cruz and sent via Galveston. *Routes of communication:* P. Q. Anglo-Commercial, Direct Cable and Western Union.

**CENTRAL AMERICA AND THE ANTILLES.**—All countries except Curacao and British Honduras. *Routes of communication:* Northern Routes (P. Q. Anglo-Commercial, Direct Cable, and Western Union).

**SOUTH AMERICA.**—Bolivia, Peru (except Masisea, Orellana, Roquena, Iquitos, and Itaya), Paraguay, Argentina, Uruguay. *Routes of communication:* Dakar-Ascension, Madeira-Ascension, Marseilles-Malta or England-Ascension, and the Northern Routes.

**SOUTH AMERICA (continued).**—Republic of Panama, Ecuador, Colombia, British Guiana, French Guiana and Venezuela. *Routes of communication:* Northern Routes.

**ASIA.**—All countries, except Hedjaz, Yemen, Turkey in Asia, Turkish Archipelago, Russia in Asia, Caucasus, and Transcaspian Russia. *Routes of communication:* Marseilles, Malta.

**OCEANIA.**—All countries, except the Caroline Islands, Marshall Islands, and Dutch Indies. *Routes of communication:* Dakar-Ascension, Marseilles, Malta, P. Q. Anglo-Commercial, Direct Cable, Western Union.

*Ambassador W. H. Page to the Secretary of State.*

No. 904.]

AMERICAN EMBASSY,  
*London, February 15, 1915.*

SIR: I have the honor to report that Sir Edward Grey has informed me that the search which the censors are making to ascertain the reasons for stopping commercial telegrams brings this result, viz., that of 60 or 70 telegrams emanating from the United States and dated in November or December, they find that only 3 were stopped by the British censors.

I have, etc.,

WALTER HINES PAGE.

*The Counselor to the British Ambassador.*DEPARTMENT OF STATE,  
*Washington, February 16, 1915.*

MY DEAR MR. AMBASSADOR: May I again call your attention to the seriousness of the interruption by the British censors of strictly commercial cablegrams pertaining to noncontraband goods exchanged between this country and other neutral countries, especially Scandinavian countries.

It would be most gratifying if I could have your assistance in an effort to bring about some arrangement with your Government whereby the relief which is needed so much, not only by the United States but by the other neutral countries, may be obtained.

I should be very glad to discuss this matter with you whenever you can conveniently call on me, and remain, etc.,

ROBERT LANSING.

*Memorandum from the British Embassy.*BRITISH EMBASSY,  
*Washington, February 19, 1915.*

With reference to the alleged interruption by the British censors of strictly commercial cablegrams pertaining to noncontraband goods exchanged between the United States and other neutral countries, His Majesty's Government announce that an enquiry just completed into a batch of 60 or 70 telegrams forming part of some 350 submitted by the

United States Ambassador in January has established the fact that only 3 were stopped by the British censor.

The present rule is that senders of stopped telegrams are only notified if their telegrams have been stopped for technical breaches of the censorship regulations, such as omission of the sender's name, insufficient address, etc. If telegrams are stopped because they are of a prejudicial nature, it is obviously undesirable to warn senders immediately.

The question of notifying after the lapse of a certain interval of time the senders of stopped telegrams who make enquiries and of refunding the full or partial cost is under consideration by His Majesty's Government.

In January investigation was also made into two out of several lists supplied by the Swiss Minister in London. Of the 97 messages it was ascertained after careful search that only 31 reached the British censors; 20 of these were passed and 11 were quite justifiably held up for various violations of the censorship regulations, e. g., inclusion of code words, omission of sender's name, etc.

Lastly, out of a large number of complaints made by the Italian Government in regard to special cables it was found that only 14 had passed through the hands of the British censors and none of them had been held up.

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*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
*London, February 24, 1915.*

Your 1107, February 10. Foreign Office informs me that instructions were issued to British censors last September that telegrams exchanged between North and South America were to be passed without censorship. British Government thinks that either United States Government has been misinformed regarding the authorities by whom the telegrams in question have been stopped, or that some of the British censors have misunderstood their instructions. If information received by United States Government proves to be correct, British Government asks for details regarding stopping of telegrams in order to correct misunderstanding which must have occurred.

PAGE.

*Ambassador W. H. Page to the Secretary of State.*

No. 1028.]

AMERICAN EMBASSY,  
*London, March 10, 1915.*

SIR: I have the honor to transmit herewith inclosed copy of a memorandum from Sir Edward Grey, together with copies of inclosures<sup>1</sup> therein mentioned.

I have, etc.,

WALTER HINES PAGE.

[Inclosure.]

FOREIGN OFFICE, *London, March 5, 1915.*

MEMORANDUM.

The American Ambassador will doubtless remember that on the 17th November last Sir Edward Grey drew his attention to the manner in which certain telegrams from private individuals and commercial firms, detrimental to British interests, were being sent through the State Department, and the censorship authorities have brought to Sir Edward Grey's notice the fact that this practice is still continued.

Sir Edward Grey would point out that Government messages such as those sent by the State Department obtain priority over ordinary commercial messages and that this is an advantage which messages of the sort referred to should not enjoy over those of other traders.

He considers that His Majesty's Government can not be asked to agree to British cables being used for the purpose of facilitating commercial transactions with enemy countries.

Seven instances of the type of message referred to, out of a very large number which have passed through the censor's hands, are annexed. In spite of the prejudicial nature of their contents, all these messages have been forwarded to their destinations.

Another telegram which has just come into the hands of the censors is also annexed (No. 8). This message contains a request for the repetition, as Government message, of telegrams connected with trade with the enemy which the censor has stopped. In the circumstances, Sir Edward Grey does not feel that this telegram can properly be forwarded.

*The Secretary of State to Ambassador W. H. Page.*

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,  
*Washington, March 16, 1915.*

Mr. Bryan acknowledges Embassy's 1752 of the 9th instant<sup>1</sup> and informs Mr. Page that the Department on this date sent instructions

<sup>1</sup> Not printed.

to all diplomatic and consular officers to discontinue until further instructed the forwarding of private commercial messages, and says in the future the Department will adopt the following form in reply to requests for the official transmission of private cables relating to commercial transactions in belligerent countries:

The British Government is not willing to extend to private commercial messages the same immunity accorded by them to the official communications of the Government of the United States over cable routes which pass through British jurisdiction. As the message which you have requested the Department to forward comes under this regulation, the Department regrets that it is at the present time unable to comply with your request to forward the message officially and suggests that it be sent in the ordinary way.

At the same time you are advised that the general subject of facilitating cable communication over lines controlled by the British Government is now under discussion and it is hoped that a satisfactory adjustment of the matter may be reached.

Mr. Bryan instructs Mr. Page to inform the Foreign Office that the Government of the United States understands that the objection of the Government of Great Britain to the transmission of the commercial cables referred to by Mr. Page, and others of similar character, is not based upon suspicion that they are being sent in a private code which may carry a concealed meaning, but because they are supposed to come within the rule established for the guidance of the British censor which is set forth in Paragraph 6, Foreign Office Memorandum, February 1, which is as follows:

All cables which show a clear evidence either by the text of the telegram or by known facts as to the sender or addressee that they refer to contraband or noncontraband to which a resident in an enemy country is one of the parties, are liable to be stopped.

Mr. Bryan says that the difficulty in applying this rule is that the censor has stopped many private commercial cables which in fact did not properly come within the ruling. The Department, he says, has carefully and in good faith applied the rule to private commercial cables sent by it, that the question in each case is one of fact, and suggests that a solution might be found by arranging for an investigation of the facts in doubtful cases. That this could be done if the British Government would furnish the Embassy promptly with copies of all cables stopped and the reasons for stopping them. Mr. Bryan states that the claim that the object of censorship would be defeated if the sender was notified applies only to cables having a hidden meaning and can not be urged in



case of actual commercial transactions, even when supposed to be with the enemy. Mr. Bryan says that as a part of the arrangement the sender might be required to sign a declaration, under oath if necessary, stating the *bona fide* character of the transaction, and adds that it is understood that the British Government recognizes the importance as a matter of policy and good relationship at least of not exercising the right of censorship in a way to interfere with legitimate American commercial transactions with neutral countries.

*Ambassador W. H. Page to the Secretary of State.*

No. 1105.]

AMERICAN EMBASSY,  
*London, March 24, 1915.*

SIR: I have the honor to acknowledge the receipt of the Department's instructions No. 584 of February 3 in regard to the censorship of cablegrams by the British authorities, and calling my attention to the copy of a letter inclosed therein, dated January 19, from the manager of the Washington office of the Western Union Telegraph Company, and directing me to take up this matter with the Foreign Office and endeavor to bring about such an arrangement as is outlined in the above-mentioned letter.

I beg to advise the Department that I am now in receipt of a note from Sir Edward Grey, a copy of which is inclosed herewith,<sup>1</sup> under date of March 18, in reply to my representations in the premises, and in which it is set forth that the censorship authorities can not see, so far as they are aware, that anything has occurred to modify the necessity of retaining the power of complete control over trade telegrams to or from neutral countries adjacent to Germany.

I have, etc.,

WALTER HINES PAGE.

*Ambassador Sharp to the Secretary of State.*

No. 345.]

AMERICAN EMBASSY,  
*Paris, March 24, 1915.*

SIR: Referring to the Department's cipher telegraphic instruction No. 369 of December 11, 8 p. m., relative to the complaints of the non-

- Not printed.

delivery of telegrams from the United States regarding the purchase and sale of cotton, and recommending that permission be granted for the use of Meyer's or Shepperson's cotton codes, I have the honor to report, in further reference to my telegram No. 464 of January 16 advising the Department of State that permission had been given for the use of Meyer's code, that the Foreign Office has just advised me that it is considered by the French competent authorities that the addition of Shepperson's code to those already used would only tend to complicate the telegraphic correspondence, and that it is therefore considered that the Meyer's code—which is more complete than Shepperson's—should be sufficient for the necessities of cotton merchants.

I have, etc.,

WM. G. SHARP.

*Ambassador W. H. Page to the Secretary of State.*

[Telegram—Paraphrase.]

AMERICAN EMBASSY,  
*London, March 26, 1915.*

Mr. Page reports the receipt on this date of the following memorandum from the British Foreign Office on the subject of the censorship of cablegrams:

MEMORANDUM.

1. Neutral Governments were reminded in a circular at the beginning of the war of the right which His Majesty's Government possesses under treaty, to stop all telegrams over cables which they control, and that it is only as an act of good will that their transmission is permitted.

2. Notice was given through the International Bureau at Berne, in the form prescribed, as follows:

"His Britannic Majesty's Government find themselves under the necessity of availing themselves of the power reserved under Article 8 of the International Telegraph Convention and Article 17 of the International Radio-Telegraph Convention to suspend the transmission of telegrams and radio-telegrams to and from, or in transit through the United Kingdom, and to and from, or in transit through all British Possessions and all British Protectorates whatsoever, save and except such telegrams and radio-telegrams as are on the service of His Majesty's Government or of the Government of any British Possession or Protectorate.

"With a view, however, to minimize inconvenience to the public, His Britannic Majesty's Government will, until further notice, and as an act of grace, permit the transmission of such telegrams and radio-telegrams in plain language as foreign Governments or the public choose to send, provided that such telegrams and radio-telegrams are written in English or French, and on the understanding

that they are accepted at the sender's risk and subject to censorship by the British authorities; that is, that they may be stopped, delayed or otherwise dealt with in all respects at the discretion of those authorities and without notice to the senders; and that no claims in respect to them, whether for the reimbursement of the sums paid for transmission or otherwise, will be considered by His Majesty's Government in any circumstances whatever."

Article VIII of the International Telegraphic Convention (of 1875) is as follows:

"Each Government also reserves to itself the power to interrupt the system of the international telegraphs for an indefinite period, if it judges it necessary, either generally, or only upon certain lines and for certain kinds of messages, upon condition that it immediately advises each of the other contracting Governments."

Article XVII of the International Radio-Telegraphic Convention makes the above Article applicable to radio-telegraphy.

3. The necessity for control of cables in its relation to matters which may be described generally as being of a purely naval or military nature is obvious and needs no demonstration. In addition to this it is clear that in view of the great importance of restricting the enemies' supplies and withholding facilities from them for carrying on their trade His Majesty's Government can not be expected to afford the use of British cables to enable neutral and enemy countries to make arrangements with each other for the conduct of that trade and the principle upon which the censorship of commercial telegrams is conducted is to withhold so far as British cables are concerned all facilities for carrying on trade directly or indirectly with an enemy country.

4. Accordingly all cables are liable to be stopped which show clear evidence either by the text of the telegram or by the known facts as to the sender or addressee that they refer to a transaction whether in contraband or noncontraband to which a resident in an enemy country is one of the parties.

5. This principle it will be observed is applied impartially to British, Allied or neutral subjects who endeavour to trade with the enemy through the medium of British cables.

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*The Secretary of State to Ambassador W. H. Page.*

No. 9564.

DEPARTMENT OF STATE,  
Washington, May 6, 1915.

SIR: The Department has received your despatch No. 1223, of April 14,<sup>1</sup> concerning the presentation of stopped cablegrams to the Foreign Office in connection with the discussion relative to the cable censorship situation.

In reply you are informed that the Department believes that for the present, at least, you should present to the Foreign Office all stopped messages sent to you, requesting that it be so kind as to furnish you with reasons in each case as to why the message was not forwarded.

<sup>1</sup> Not printed.

The Department is sending to you only such messages as appear to be strictly of a nature that should not have been stopped by the censors, according to the understanding had with you by the British Government, and is most careful to discourage the sending of cablegrams that in its judgment would not be passed by the British censors.

I am, etc.,

For the Secretary of State:

ROBERT LANSING.

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*The Secretary of State to Ambassador W. H. Page.*

[Telegram.]

DEPARTMENT OF STATE,  
Washington, May 13, 1915.

Referring to your 1107, February 10. Department informed of non-delivery nine code telegrams concerning coffee shipments to United States addressed "Ornstein, Rio de Janeiro," sent by L. C. Fallon and Company, New Orleans, routed over Postal Telegraph Company to New York, thence to Azores by Commercial Cable Company, then to Rio de Janeiro by Western Pacific Cable Company. Telegrams dated March 12, 15, two telegrams March 19, 24, 26, and 29, April 1 and 20. Also one other telegram sent same address March 8 by C. A. Fairchild and Company, New York.

Bring to attention Foreign Office, pointing out suppression purely commercial cablegrams of neutral character exchanged between United States and South America can only serve as detriment to legitimate business entirely outside war zone. Request early investigation and reason in each case why message stopped, directing attention to British Government's assurance that censors were instructed last September to pass telegrams exchanged between North and South America. Please reply by cable.

BRYAN.

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*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
London, May 27, 1915.

Your 1556 of 13th re telegrams concerning coffee shipments from South America to United States.

Foreign Office informs me that after communication with censorship

authorities it has been found that a telegram addressed to Ornstein, Rio de Janeiro, from the United States, dated March 24, was detained in London on the ground that it was in private code and without signature. The fact that the message was in transit between North and South America was unfortunately overlooked, but no trace can be found of the other telegrams mentioned; but in view of probability that an occasional oversight of this nature is more likely to occur in the United Kingdom than at stations on the direct route between North and South America the censorship authorities hesitate to assert positively that they were not detained in England. Foreign Office concludes by saying that the attention of the censors concerned abroad, as well as in the United Kingdom, has been called to the necessity of observing the instructions already issued on this subject, and it trusts that no further inconvenience will be experienced by American firms in this respect.

PAGE.

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*Ambassador W. H. Page to the Secretary of State.*

[Telegram—Paraphrase.]

AMERICAN EMBASSY,  
*London, June 3, 1915.*

Referring to Department's May 29 and Embassy's June 1, Mr. Page reports that he is advised by the Foreign Office that after a careful investigation censor cannot trace telegram in question. He says Foreign Office states that British Government will pass all messages between North and South American countries sent by way of United Kingdom, but in a certain degree these messages are liable to be held up by accident. Mr. Page suggests that persons in the United States who wish to send messages to South American countries should be advised if possible to use a cable route which does not touch Great Britain or any of her possessions.

PART XIV.  
BELGIAN RELIEF.

*The Secretary of State to Ambassador Gerard.*

[Telegram.]

DEPARTMENT OF STATE,  
Washington, October 7, 1914.

Department has received following from London, which you may communicate to Imperial Foreign Office:

Belgian committee has been formed at Brussels under the patronage of the American and Spanish ministers for the purpose of importing foodstuffs for the poor of Belgium. The German authorities in occupation have consented and the Belgian Minister here informs me that under instructions from his Government he has obtained permission of the British authorities for the export of supplies on condition that they be despatched by this Embassy and consigned to our Legation at Brussels. I believe it would be well to obtain a definite assurance from the German Government of their approval of this humanitarian project the execution of which is in charge of an American citizen, Mr. Shaler, who is now in London purchasing supplies.

Please take up informally with Foreign Office and cable reply.

BRYAN.

*Minister Whitlock to the Secretary of State.*

[Telegram.]

AMERICAN LEGATION,  
Brussels, October 16th, 1914.

As I have already reported to the Department, a committee of notable citizens of Brussels was appointed several weeks ago under patronage of the Spanish Minister and myself to give food to the poor of this city. This work, which had the approval of the Belgian Government and of the German military authorities, has been carried on with excellent results. But now a grave situation confronts the land. In normal times Belgium produces only one-sixth of the foodstuffs she consumes. Within two weeks there will be no more food in Belgium.

Winter is coming on and there are thousands who are without home and without hope, therefore it is necessary to extend this relief work to the whole of Belgium. My Spanish colleague and I have been requested by the local Belgian authorities and by the German military authorities to permit the organization, under our patronage, of a committee that will undertake to revictual all of Belgium and we have secured from the German military authorities formal official assurance that all foodstuffs shipped into Belgium in the care of the committee and intended for the feeding of the impoverished civil population will be respected by the soldiery and not made the object of military requisition. It is now necessary to obtain permission from the English Government that foodstuffs may be shipped into Belgium. In view of this fact Gibson goes to London to-morrow with messages from the Spanish Minister and me to the respective ambassadors of our countries to lay the subject before them. Baron Lambert and Mr. Franqui, representing the Belgian Relief Committee, will accompany him to acquaint the Belgian Minister in London with the situation and ask him to present the matter to the British Government. Our hope is that the Belgian Minister can arrange, and if there be no impropriety in their so doing, that the American and Spanish ambassadors may assist him in arranging for the passage of the provisions which the Committee is ready to buy.

I trust the Department will approve this course and further it by instructions to London. It is not money but food that is needed. If some appropriate means can be found to call the attention of our generous people at home to the plight of the poor in Belgium, I am sure that they will send succor and relief for the winter that is drawing near. It seems to me to be a work of mercy that will touch the hearts of those who are brought to understand it and give our people in America an opportunity to serve nobly in a high cause.

WHITLOCK.

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*The Acting Secretary of State to Ambassador W. H. Page.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, October 19, 1914.*

Telegram from Embassy, Berlin, 17th instant, states that German Government approves of plan to supply the population of Belgium with

food. You are authorized therefore to proceed on lines of your 786, October 6.<sup>1</sup>

LANSING.

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*The Acting Secretary of State to Minister Whitlock.*

[Telegram.]

DEPARTMENT OF STATE,  
Washington, October 19, 1914.

Your 548, 18th.<sup>2</sup> The plan of the Belgian committee in Brussels to import food stuffs for poor of Brussels has been approved by the German Government and the Embassy in London has been so advised.

LANSING.

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*The Acting Secretary of State to Minister Whitlock.*

[Telegram.]

DEPARTMENT OF STATE,  
Washington, October 20, 1914.

Your telegram October 16, 10 a. m. transmitted via London regarding relief of Belgium. Department approves your action and has given instructions to the Ambassador at London to render you and your Spanish colleague every assistance.

LANSING.

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*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
London, October 26, 1914.

Your 389, October 24. The commission of Belgian relief working under diplomatic guidance of Spanish Ambassador here and myself has written assurance of the German military commander of Belgian terri-

<sup>1</sup> Not printed; substance stated in instruction to Ambassador Gerard, October 7, 1914, *supra*, p. 314.

<sup>2</sup> Not printed.



tory held by the Germans that food sent them by this commission will not be confiscated. So far as I know this assurance has not been given to any one else who may send food. No food can be exported from England or Holland, but the Netherlands Government has given this commission permission to distribute food landed at Rotterdam through our agents to people in Belgian territory. Since food can not be bought on this side the world, American committees should not send money but should confer with Hoover, chairman of this commission, care of this Embassy, regarding what kind of food to send and how to ship it. Commission has agents in every neighborhood in Belgium. It has in fact taken charge of practically all grocery stores. Money sent will be of no use. Food sent except through commission may never reach Belgium or be confiscated.

PAGE.

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*The Acting Secretary of State to Ambassador Herrick.*

[Telegram.]

DEPARTMENT OF STATE,  
Washington, October 31, 1914.

At request of American Minister at The Hague you are instructed to ask whether France will give assurance of recognition of neutrality of goods shipped for American commission for relief in Belgium.

LANSING.

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*The Acting Secretary of State to Ambassador Gerard.*

[Telegram.]

DEPARTMENT OF STATE,  
Washington, November 7, 1914.

Belgian commission requests that you secure from German Government unmolested passage for neutral food ships from United States to Holland for Belgium. This has been done by British Government.

Also inform Department whether German Government has placed embargo on importation into Belgium, in neutral ships, of thoroughly disinfected and cleaned secondhand clothing.

LANSING.

*Ambassador Herrick to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
*Paris, November 11, 1914.*

Your 253, 10th. Foreign Office states that instructions have already been sent French Minister at the Hague to offer no objection to transit of foodstuffs through the Netherlands from United States destined to Belgium. At Embassy's request Foreign Office stated it would repeat instructions to Minister at The Hague.

HERRICK.

*The Acting Secretary of State to Ambassador Gerard.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, November 20, 1914.*

At the request of the commission for Belgian relief, you may obtain, if possible, from the German Government safe passage of British as well as neutral ships bound for Rotterdam with food for starving Belgians. Such ships will fly the commission's flag. Please ask German Government also whether permission of military authorities in Belgium may be obtained for Americans with automobiles to go from place to place engaged in food distribution. Such Americans will carry commission's flag and have letters each with bearer's photograph from the commission, countersigned by the Spanish and American ambassadors at London.

LANSING.

*Ambassador Gerard to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
*Berlin, November 23, 1914.*

Your 590, 7th, and 677, 20th.

German Government is entirely in sympathy with laudable work of American commission for Belgium relief. German naval forces can not lawfully seize food on neutral ships bound for neutral ports. Germany will not interfere with any neutral ships bound for Holland with food

from the United States even if food is destined for Belgium. Subject to revoke German Government agrees to permit unneutral ships also to carry food for Belgians to Dutch ports and will give same guarantee that food is put to intended uses as for neutral ships. German Government recommends that as precaution such unneutral ships carry certificate from competent American authority testifying that ship carries food for the Belgians to be brought to Belgium via Dutch ports by American Commission for Belgian relief with the consent of the German Government, and that unneutral ships also have pass which German Ambassador, Washington, will issue upon certificate above described. Inquiry made about distribution of food by Americans in automobiles.

GERARD.

*The Secretary of State to the German Ambassador.*

No. 1154.]

DEPARTMENT OF STATE,  
Washington, December 1, 1914.

EXCELLENCY: The Department is in receipt of a telegram from the American Ambassador at Berlin, transmitting the information that the German Government is entirely in sympathy with the laudable work of the American commission for the Belgian relief. It is well understood that German naval forces can not lawfully seize food on neutral ships bound for neutral ports and that Germany will not interfere with any neutral ship bound for Holland with food from the United States, even if the food is destined for Belgium. Subject to revocation, the German Government also agrees to permit unneutral ships to carry food for Belgium via Dutch ports and will give guarantee that the food is utilized to the purpose intended. The German Government recommends, however, that as a precaution such unneutral ships shall be furnished with a certificate from competent American authorities testifying that such food carried by unneutral ships via Dutch ports is intended for the relief of Belgians and, further, that the unneutral ships shall also be provided with a pass issued by your Embassy authenticating the certificates issued by the American Government.

The Department believes that the above should be a satisfactory arrangement and hopes that it will meet with Your Excellency's approval.

An early reply to this note would be greatly appreciated.

Accept, etc.,

W. J. BRYAN.

*The German Ambassador to the Secretary of State.*

[Translation.]

No. 10078.]

IMPERIAL GERMAN EMBASSY,  
*Washington, D. C., December 4, 1914.*

MR. SECRETARY OF STATE: In acknowledging the receipt of Your Excellency's kind note of the 1st instant, I have the honor to reply to Your Excellency that I concur in the proposals therein made.

Accept, etc.,

J. BERNSTORFF.

*The German Ambassador to the Secretary of State.*

[Translation.]

No. 10106.]

GERMAN EMBASSY,  
*Washington, December 5, 1914.*

MR. SECRETARY OF STATE: Supplementing my note of the 4th instant I have the honor to inform Your Excellency that I have instructed the German Consul concerned to issue, upon American witnesses being brought before them, safe conduct to unneutral ships carrying victuals for Belgium.

Accept, etc.,

J. BERNSTORFF.

*Consul General Skinner to the Secretary of State.*

[Telegram.]

AMERICAN CONSULATE GENERAL,  
*London, December 8, 1914.*

American commission relief in Belgium provide minimum 80,000 tons cereal foodstuffs monthly and could handle situation except for shipping difficulties. Thirty to forty ships needed constantly. Neutral bottoms being unavailable, have chartered some British ships and have German agreement not to interfere. Reluctance of British owners to send ships to Rotterdam paralyzing program of mercy, execution of which hourly more imperative. Commission desire to know if American Government would furnish naval ships with or without charter on pay-

ment of reasonable price. Commission hope character of enterprise will warrant Government giving it assistance sorely needed.

SKINNER.

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*The Secretary of State to Consul General Skinner.*

[Telegram.]

DEPARTMENT OF STATE.

*Washington, December 10, 1914.*

Your December 8. Department informed by Navy Department there are no suitable ships which can be utilized for purpose mentioned. Department suggests that commission through its American representatives might charter neutral vessels. Please communicate this to American Ambassador, London.

BRYAN.

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*Ambassador Gerard to the Secretary of State.<sup>1</sup>*

[Telegram.]

AMERICAN EMBASSY,

*Berlin, December 11, 1914.*

Department's 677, November 20. Foreign Office informs me that desired passes for Americans with automobiles for food distribution Belgium have been issued by arrangement between competent passport authorities in Belgium and American Relief Commission.

GERARD.

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*Memorandum to the German Embassy.*

DEPARTMENT OF STATE,

*Washington, December 18, 1914.*

The Department of State presents its compliments to the Imperial German Embassy and has the honor to state that a letter has been received from Mr. Lindon W. Bates, vice chairman of the American Commission for Relief in Belgium, requesting that an expression of the commission's very great appreciation of the prompt and thorough arrange-

<sup>1</sup> Repeated to the Embassy at London and the Legation at The Hague.

ments which have been effected with reference to obtaining safe conduct for unneutral ships sailing for Belgium and Holland loaded with food supplies for the relief of Belgium be conveyed to His Excellency Count von Bernstorff.

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*Ambassador Gerard to the Secretary of State.*

No. 376.]

AMERICAN EMBASSY,  
*Berlin, December 28, 1914.*

SIR: Supplementing my telegram of even date, I have the honor to transmit to you herewith a copy and translation of a note verbale, received from the Imperial German Foreign Office, dated December 24, 1914, relative to the wording of the certificates with which the German Government desires unneutral ships carrying food for Belgians to be provided.

I have, etc.,

JAMES W. GERARD.

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[Enclosure—Translation.]

*The Minister for Foreign Affairs to Ambassador Gerard.*

FOREIGN OFFICE, *Berlin, December 24, 1914.*

NOTE VERBALE.

In supplement to its Note Verbale of November 23, 1914, No. II W. K. Be. 179, relative to the supply of food for the population of Belgium, the Foreign Office has the honor to inform the Embassy of the United States of America that it appears desirable that the following statements should be included in the certificates with which unneutral vessels are to be provided:

(a) The express declaration:

- (1) That the ship contains solely food (and clothing) for the population of Belgium, to be unloaded in a Dutch port;
  - (2) An undertaking of the master of the vessel on his word of honor to abstain from any and all actions on the outward or return voyage, involving assistance to our opponents.
- (b) It is further desired that the following should be pointed out in the certificates:
- (3) That certificate and pass are valid only for the single outward voyage, and are to be delivered to the German Consul upon arrival at the Dutch port of destination or to the German Minister at The Hague if there is no such Consul. Similar papers for the return voyage will be issued by the Imperial German Legation at The Hague;

- (4) That the papers do not bar a search of the vessel, and the cargo must be stowed so that search can be conducted quickly and easily;
- (5) That the date of departure from the United States is to be communicated to the Imperial German Ambassador at Washington; the date of the departure from the Netherlands on the return voyage is to be communicated to the Imperial German Minister at The Hague;
- (6) That an offence against these provisions or against the obligations assumed works forfeiture of all right to preferential treatment.

The Foreign Office begs to request the Embassy of the United States of America to be good enough to take the necessary steps in order that the Certificates may be worded in accordance with what has been stated above.

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*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
*London, December 28, 1914.*

The Foreign Office informs me that the British naval authorities will undertake in the future to facilitate the voyage only of such charity ships to Rotterdam as contain whole cargoes of food for Belgian relief; it is important therefore that such ships should not contain other cargo, and to secure this protection all ships for Belgian relief must be reported by Lindon Bates, the commission's representative in New York, to the British Ambassador in Washington. After conferring with Sir Cecil Spring-Rice it might be advantageous to give this arrangement wide publicity, because certain societies and committees continue to ship contributions of food in ships that carry other cargo.

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*Minister van Dyke to the Secretary of State.*

[Extract.]

No. 184.]

AMERICAN LEGATION,  
*The Hague, December 29, 1914.*

SIR: I would respectfully call your attention to a report which appeared in the American newspapers a month or six weeks ago, to the effect that the German civil commander of the Belgian province of Limberg had exacted a severe import tax on foodstuffs sent into that province from Rotterdam by the American Commission for Relief in

Belgium. Immediately upon my arrival here I sent for the manager of the branch of that commission which is stationed in Rotterdam, and learned from him that the facts as stated were correct, and that the aforesaid import tax was still demanded. I therefore sent the enclosed letter<sup>1</sup> to our manager, instructing him to discontinue shipments into the Belgian province of Limburg until the tax was removed, and a promise made by the German civil commander to refund the money hitherto exacted. Copies of the letter have been sent to our Minister at Brussels and to our Ambassador at Berlin.

I have, etc.,

HENRY VAN DYKE.

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*Minister Whitlock to the Secretary of State.*

[Telegram.]

AMERICAN LEGATION,  
Brussels, January 2, 1915.

I have received to-day assurances from Baron von Bissing, German Governor General in Belgium, that orders have been given forbidding all further requisition of foodstuffs of whatever sort in Belgian territory occupied by German troops, and that the protection thus afforded covers cattle and their food as well. He will give any reiterated assurances that we may desire on any occasion that foodstuffs will not be requisitioned, and that we may establish and maintain any kind of control that we may see fit to adopt in connection with our relief work for the civil population. Similar assurances were given to my Spanish colleague.

WHITLOCK.

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*Ambassador Gerard to the Secretary of State.*

No. 399.]

AMERICAN EMBASSY,  
Berlin, January 2, 1915.

SIR: With reference to my despatch No. 376, dated December 28, 1914, on the subject of the arrangements for supplying the population of Belgium with food, I have the honor to transmit to you herewith a

<sup>1</sup> Not printed.



copy of an unofficial note, written by me to His Excellency Mr. Zimmermann, Imperial Undersecretary of State for Foreign Affairs, relative to the desire of the Belgium Relief Commission that the German military authorities in Belgium will not make any further requisitions of food supplies while the international commissions are sending in food, and of a reply received from the Undersecretary, dated December 31, 1914. My telegram No. 1195, of December 26 last, informed you of my action in this matter.

I have, etc.,

JAMES W. GERARD.

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[Inclosure 1.]

*Ambassador Gerard to the Undersecretary of State for Foreign Affairs.*

F. O. No. 1574.]

AMERICAN EMBASSY, Berlin, December 28, 1914.

MY DEAR MR. SECRETARY: After my call on you last Saturday, on which occasion I was not acting officially, but as one of the honorary chairmen of the Belgian Relief Commission, I sent to my Government and to the chairman of the commission the following telegram:

Acting not officially, but as one of honorary chairmen Belgian Relief Commission, called to-day with Spanish Ambassador and Netherlands Minister on Undersecretary of State Zimmermann, who gladly and without hesitation assured us that commanding general in Belgium will give assurances to American, Spanish, and Netherlands Ministers in Belgium that German military authorities will not make any further requisitions of food supplies in Belgium while the international commissions are sending in food, and for a reasonable time after the last delivery.

There is, however, another matter in which the Belgian Relief Commission required the assurance of the German Government. Supplies are being sent to Belgium in British ships. These ships fly the flag of the commission, and carry nothing but these supplies for Belgium. Will the Imperial Government not give a public assurance that these boats will not only not be interfered with on the voyage to Belgium, but that there will be no interference with these ships on their return to British ports, so long as they return direct to such ports and sail under the flag of the commission?

I have, etc.,

JAMES W. GERARD.

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[Inclosure 2—Translation.]

*The Undersecretary of State for Foreign Affairs to Ambassador Gerard.*

No. 11 W. K. Be. 343. 107002.] FOREIGN OFFICE, Berlin, December 31, 1914.

The undersigned has the honor to inform His Excellency Mr. Gerard, Ambassador of the United States of America, with reference to the esteemed note of the 28th

instant, that the Imperial Governor General in Belgium will issue without delay an order prohibiting all the troops under his command from requisitioning food or forage of any kind whatsoever which would require to be replaced by importations by the American committee for Belgian relief. The Governor General will in addition authorize the Minister of the United States of America and the Spanish Minister at Brussels, as honorary chairmen of the committee, to convince themselves in any way which may to them appear advisable that the prohibition is observed most scrupulously.

With regard to the desire that nonneutral ships bringing food for Belgium may not be interfered with on their return to British ports, and that assurances to this effect might be given, reference is respectfully made to the note verbale of the 24th instant, No. 3 of which contains provisions dealing with this desire.

The undersigned avails, etc.,

ZIMMERMANN.

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*Minister van Dyke to the Secretary of State.*

No. 187.]

AMERICAN LEGATION,  
*The Hague, January 4, 1915.*

SIR: Referring to my despatch No. 184, of December 29, 1914, I have the honor to report that the import duty on flour which was exacted by the German civil commander of the Belgian Province of Limburg has been removed, and the sum of 8,000 francs which had been collected under the tax has been refunded.

I have therefore withdrawn the prohibition issued to the Commission for Relief in Belgium, referred to in the above-mentioned despatch, in regard to shipments of foodstuffs into the Belgian Province of Limburg.

I have, etc.,

HENRY VAN DYKE.

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*The Secretary of State to Ambassador Gerard.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, January 13, 1915.*

Ascertain from Foreign Office whether German civil commander of Belgian Province Limburg is exacting severe import tax on foodstuffs sent for relief of Belgians from Rotterdam by American commission.

BRYAN.

*Ambassador Gerard to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
*Berlin, January 17, 1915.*

Van Dyke informs me tax removed and money collected refunded. Have therefore asked German Foreign Office to drop investigations previously requested at Van Dyke's instance.

GERARD.

*The Secretary of State to Minister van Dyke.*

No. 74.]

DEPARTMENT OF STATE,  
*Washington, January 21, 1915.*

SIR: The Department has received your despatch, No. 184, of December 29, 1914, with reference to the tax imposed by the German civil commander of the Belgian province of Limburg on foodstuffs sent into that province from Rotterdam by the American Commission for Relief in Belgium.

This information was telegraphed to the Embassy at Berlin on January 13, and a reply, dated January 17, has been received stating that you have informed the Ambassador that the tax has been removed and the money collected refunded. The Department has, therefore, telegraphed you to-day (copy of message enclosed)<sup>1</sup> asking you to confirm the facts and report.

I am, etc.,

For the Secretary of State:  
ROBERT LANSING.

*The Secretary of State to Minister van Dyke.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, January 21, 1915.*

Your despatch 184, December 29.

Department informed from Berlin tax removed and money collected refunded. Please confirm facts and report.

BRYAN.

<sup>1</sup> Supra.

*Minister van Dyke to the Secretary of State.*

No. 195.]

AMERICAN LEGATION,

*The Hague, January 22, 1915.*

SIR: Referring to your cablegram No. 81, of January 21, I have to-day sent you the following reply by cable:

I confirm facts. Report follows.

Herewith I have the honor to make the report for which you have asked.

According to my despatch No. 184, of December 29, 1914, I sent the letter which was enclosed with that despatch to Captain Lucey, manager of the Rotterdam branch of the Commission for Relief in Belgium, and a copy of the same to the American Ambassador at Berlin, enclosing it in a letter of which I herewith send you a copy. On December 31 I received from the Rotterdam branch of the Commission for Relief in Belgium a letter dated December 29, of which you will find a copy enclosed, stating that "the matter of duty on imports into the province of Limburg has been taken care of and settled."

On the same day I replied to this letter as follows:

If effective instructions have been issued to the German civil governor of the province of Limburg in Belgium that foodstuffs shipped by our commission are to enter free of duty, you may resume shipments from the Netherlands into that province at your convenience. Otherwise not.

And on January 4, by the next American mail, I sent you my despatch No. 187, reporting the facts.

On January 8 I received a letter from the American Ambassador in Berlin, of which I beg to enclose a copy, together with a copy of my reply,<sup>1</sup> made the same day.

I am convinced that the imposition of the import duty on flour by the German civil governor of the Belgium province of Limburg, was due entirely to a mistake on his part. But it was a mistake of such nature that it threatened, if not corrected, to cast doubt upon the absolutely neutral character of our relief work in Belgium, and thus to call forth possible objections from Great Britain and France on the ground that we were contributing to the revenue of a belligerent power.

I have, etc.,

HENRY VAN DYKE.

<sup>1</sup> Not printed.

[Inclosure.]

*Ambassador Gerard to Minister van Dyke.*

AMERICAN EMBASSY,  
*Berlin, January 6, 1915.*

MY DEAR COLLEAGUE: I have the honor to acknowledge the receipt of your letter of the 26th ultimo regarding the reported action of the German civil commander of the Province of Limburg in imposing an import duty on flour shipped into Belgium via Rotterdam by the American Commission for Relief in Belgium. I have at once informed the Imperial German Government of the facts and have requested that this official be directed to desist from imposing this tax and to refund the sums already collected in this manner. In view of the reiterated assurances, both written and oral, which I have received from the German Government of its sympathy with this movement for relief in Belgium, I am persuaded that this action of the civil commander of the Province of Limburg results from misapprehension on his part regarding the facts of the case and is not in accord with the sentiments entertained by his Government, and that I feel confident orders will promptly be issued to him in the desired sense.

I am, etc.,

JAMES W. GERARD.

*Minister van Dyke to the Secretary of State.*

No. 196.]

AMERICAN LEGATION,  
*The Hague, January 22, 1915.*

SIR: In connection with the work of the Commission for Relief in Belgium, I have the honor to report that the Netherlands Government has granted free use of the Government railways for the transportation of relief supplies to the Belgian border, and free use of the Netherlands Postal and Telegraphic Service for the transmission of the letters and telegraphs of the commission. I report this as indicating the Netherlands Government's willingness to assist in every possible way with the work which the commission is doing.

I have also requested the Foreign Office here to designate two Netherlands citizens who might be employed in the office of the Rotterdam branch of the commission, in order to secure a full understanding and coöperation on the part of the Dutch authorities with the details of the commission's work. This has been done.

The Netherlands Government has also granted an exemption from the payment of import duty, and from the giving of surety for the twelve motor cars employed by the commission in service between Holland and Belgium, and *vice versa*.

I have, etc.,

HENRY VAN DYKE.

*Minister Whitlock to the Secretary of State.*

No. 34.]

AMERICAN LEGATION,  
*Brussels, January 26, 1915.*

SIR: I have the honor to transmit herewith inclosed copy <sup>1</sup> and translation of a note received from the German civil authorities at Brussels giving me the assurance of the Governor General that foodstuffs imported for the region of Givet and Fumay, in that part of France upon the Belgian border as far as the Meuse, will be exempt from requisition.

After investigating conditions in this district, the representatives of the Rockefeller Foundation who have recently been here, have agreed to furnish the foodstuffs for this district on condition of their being transported thither by the Commission for Relief in Belgium.

I have, etc.,

BRAND WHITLOCK.

*Minister Whitlock to the Secretary of State.*

No. 45.]

AMERICAN LEGATION,  
*Brussels, January 28, 1915.*

SIR: I have the honor to transmit to you copies and translation of correspondence <sup>1</sup> concerning the collection of customs duties on foodstuffs consigned to me for distribution to the civil population of Belgium.

As will be seen from this correspondence the matter has been satisfactorily adjusted.

I have, etc.,

BRAND WHITLOCK.

*Minister Whitlock to the Secretary of State.*

No. 46.]

AMERICAN LEGATION,  
*Brussels, January 28, 1915.*

SIR: Referring to previous correspondence in regard to exception from requisition by military authorities of foodstuffs in Belgium, I have the honor to transmit enclosed copies and translations <sup>1</sup> of a communication received from the German military authorities in Brussels, stating that although the agreement relative to the suspension of requisitions did not

<sup>1</sup> Not printed.

state that exception was made of the city of Antwerp, such was, however, the intention of the Government.

I have, etc.,

BRAND WHITLOCK.

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*Minister Whitlock to the Secretary of State.*

No. 47.]

AMERICAN LEGATION,  
*Brussels, January 28, 1915.*

SIR: I have the honor to transmit copies and translation of a letter from the German military authorities informing me that cattle and their food will hereafter be exempt from military requisition when imported by the Comité National de Secours et d'Alimentation.

I have, etc.,

BRAND WHITLOCK.

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[Inclosure—Translation.]

*The Governor General in Belgium to Minister Whitlock.*

ADMINISTRATION HEADQUARTERS, *Brussels, January 13, 1915.*

I have the honor to inform Your Excellency that the Governor General in a decision given on the 5th of this month has exempted from military requisition not only foodstuffs imported by the Comité National de Secours et d'Alimentation into Belgium from abroad for the civil population, but has extended this measure to food necessary for beasts and cattle imported by the committee.

Furthermore, as a consequence of the attached order issued December 26, by the Governor General certain classes of animals are protected against military requisition.

In this manner many of the wishes expressed by the National Committee's agricultural section are met.

I have, etc.,

D. VON SANDT.

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*The German Ambassador to the Secretary of State.*

NEW YORK, *January 28, 1915.*

With reference to my note of 21st instant,<sup>1</sup> I now beg to state that the German Government gives formal assurance that foodstuffs imported from the United States will not be used by the Government for the military or naval authorities and will not reach any contractors of the Government. The German Government guarantees that it will not

<sup>1</sup> Not printed.

interfere with the distribution of such foodstuffs by the American importers to the civilian population exclusively.

J. BERNSTORFF.

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*Minister Whitlock to the Secretary of State.*

No. 53.]

AMERICAN LEGATION,  
Brussels, February 3, 1915.

SIR: I have the honor to transmit herewith for the information of the Department, copies and translation of correspondence relative to the revictualing of the Maubeuge district, through the agency of the Commission for Relief in Belgium.

The necessary guarantees of nonseizure and nonrequisition having been granted by the German authorities, the Maubeuge region will be administered as a part of Belgium so far as relief work is concerned.

I have, etc.,

BRAND WHITLOCK.

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*Ambassador Sharp to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
Paris, February 10, 1915.

Your 528, January 29.<sup>1</sup> Foreign Office has given assurance that it will make no objection to shipment cargo Argentine maize to Rotterdam for distribution relief of Belgian and French people in territory controlled by the Germans. In consenting to this and other similar shipments for like purposes and expressing its sympathy for sufferers, French Government reserves its approval because of belief that indirectly in some instances equivalent amount foodstuffs have been sent out of Belgium to Germany.

SHARP.

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*The Secretary of State to Minister Whitlock.*

DEPARTMENT OF STATE,  
Washington, February 18, 1915.

SIR: The Department acknowledges the receipt of your despatch No. 47 of January 28, transmitting copies and translations of corre-

<sup>1</sup> Not printed.



spondence from the German military authorities relative to the exemption of cattle and their food from military requisition when imported by the Comité National de Secours et d'Alimentation.

In reply the Department informs you that copies of the correspondence enclosed with your despatch have been transmitted to the Committee of Mercy and to the Commission for Relief in Belgium, New York City; also the American Minister at The Hague and to American Ambassadors at London and Paris.

I am, etc.,

For the Secretary of State:

ROBERT LANSING.

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*The Secretary of State to Minister Whitlock.*

No. 55.]

DEPARTMENT OF STATE,  
Washington, February 23, 1915.

SIR: The Department acknowledges the receipt of your despatch of January 26, together with a copy of a note received by you from the German civil authorities, with the assurance that foodstuffs imported for the region of Givet and Fumay, in that part of France upon the Belgium border as far as the Meuse, will be exempt from requisition.

The Department, in reply, informs you that copies of your despatch, together with the German note, have been transmitted to the Committee of Mercy, the Commission for Relief in Belgium, and The Rockefeller Foundation, New York City; also to the American Minister at The Hague and the American Ambassador at London.

I am, etc.,

For the Secretary of State:

ROBERT LANSING.

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*Minister van Dyke to the Secretary of State.*

No. 215.]

AMERICAN LEGATION,  
The Hague, March 3, 1915.

SIR: Supplementing my despatch 214 of March 2, and my telegrams 173 of February 27,<sup>1</sup> and 178 of March 2, I have the honor to advise

<sup>1</sup> Not printed.

you that the German Minister has called upon me this afternoon, bringing a memorandum from his Government in regard to the ships of the Commission for Relief in Belgium. He expressed his personal regret that the memorandum had been so long delayed.

I have cabled the substance of the memorandum to you and to Mr. Hoover, the chairman of the relief commission in London. Herewith you will find a copy of the memorandum in the German text with an English translation attached.

It will be observed that this assurance covers the freedom of the relief ships, bearing the flag and markings of the commission, from all molestation by German submarines in the voyage through the English Channel, and that orders to this effect have been issued by the German Government. We have thus obtained a concession of distinct advantage.

But the German memorandum expresses regret that safe conduct can not be issued to relief ships *on their way to and from England, in view of the existing mine danger in the war zone*. The exact meaning of the reservation is not clear.

I have, etc.,

HENRY VAN DYKE.

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[Inclosure—Translation.]

*The German Minister at The Hague to Minister van Dyke.*

THE HAGUE, March 3, 1915.

MEMORANDUM.

Naturally the German Government is anxious to give every possible support to the humanitarian work of the relief commission. It will allow the ships of the commission to pass through the English Channel unmolested, if they are recognizable by the usual signs (i. e. name painted on the sides of the vessel in big letters, and white flag with similar designation in red letters) and visibly illuminated at night. German submarines have received instructions to this effect. The guarantee is given on condition that every measure shall be adopted to exclude the misuse of the signs of the relief commission. The German Government will at once communicate with the American Ambassador here, with a view to obtaining from the British Government a declaration that only ships which are really in the service of the relief commission, will be allowed to carry the signs of that commission.

The German Government regrets that in view of the danger caused within the war zone by mines, it is impossible to issue safe conducts for the ships of the relief commission for the voyage to and from England.

*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
*London, March 10, 1915.*

Sir Edward Gray has communicated with Commission for Relief in Belgium assuring the commission that neither their flag nor their markings will be used in any way or for any purpose by any officer of His Majesty's Government; also stating that His Majesty's Government will countenance the use of this flag and these markings in all cases where it is used on ships carrying goods of the commission and will discount in all other cases. Will you kindly communicate the above assurance to the German Ambassador in Washington.

PAGE.

*Memorandum to the German Embassy.*

DEPARTMENT OF STATE,  
*Washington, March 11, 1915.*

The Secretary of State presents his compliments to His Excellency the Imperial German Ambassador and has the honor to transmit herewith a copy of a telegram received from the American Ambassador at London, stating that the British Government has given assurance that no officer of that Government will be permitted to use the flag or markings used by the Commission for Relief in Belgium on its vessels.

The Department also transmits herewith paraphrase of a telegram received from the American Ambassador with reference to the attitude of the British Government toward the work of that commission.

*The Secretary of State to Ambassador W. H. Page.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, April 3, 1915.*

For Relief Commission. Department informed from the Hague that commission's vessel *Elfland* was attacked Sunday, March 21, by

German aeroplane off Dutch coast. Department advised to-day that German Admiralty explains that markings of relief ship not recognizable and suggests display commission markings flat on upper deck. Orders have been given aeroplanes and submarines respect all relief commission ships recognizably marked.

BRYAN.

## PART XV.

## ATTEMPT OF GERMAN SHIP ODENWALD TO SAIL WITHOUT CLEARANCE PAPERS.

*The German Ambassador to the Secretary of State.*

[Translation.]

J. No. A 2400.]

GERMAN EMBASSY,  
*Washington, April 1, 1915.*

MR. SECRETARY OF STATE: On the 18th of last month the German steamer *Odenwald* lying in the port of San Juan de Porto Rico applied for clearance for Hamburg. The collector of customs then declared that he had to inquire of Washington whether the steamer could be cleared. On the 19th the steamer was subjected to a thorough search, alleged to have been ordered from Washington. The search, according to the statement of the collector of customs, proved satisfactory in every respect. The ship's cargo consisted of 1,500 tons of coal and provisions. On the 20th of March the same official again conducted another strict inspection. Clearance papers were nevertheless again refused as they had been the day before on the plea that no answer had yet come from Washington. The collector of customs urged by the agent of the Hamburg-American Line promised, however, to send an urgent telegram that night to Washington.

Again on the next day (March 21) the ship's captain waited in vain for a final decision. Thus he decided to put to sea without clearance papers. The captain, so he asserts, found himself in a critical situation as further delay made the danger of enemy cruisers gathering worse every day. With that situation he tried to deal fairly in taking the course he did.

Just before passing Buoys H C and Co the ship met with a brisk machine-gun fire from Morro Castle. A few minutes later a solid cannon shot struck the water a short distance in front of the ship's bow, raising a column of water from 10 to 12 feet high. The engine was immediately stopped and backed at full speed. The forward motion of the ship

ceased at once in spite of which she was fired upon about three minutes longer; marks of the bullets can be plainly seen in various places of the ship and hull. It was only through luck that no human life was lost in that onslaught.

A few affidavits<sup>1</sup> fully describing the occurrence are respectfully enclosed with a request that they be returned.

I have the honor to beg Your Excellency kindly to let me know why her papers were not delivered to the *Odenwald* though in the opinion of the harbor officials after two thorough searches of the ship they had no ground upon which to refuse the said papers. Finally, I am unable to conceal from Your Excellency that the reckless action of the harbor authorities in opening fire on the steamer without warning does not seem to me to have been justified by the circumstances of the case. It could hardly be the intention of the American Government to endanger, without imperative cause, the lives of a ship's crew for the mere sake of insuring orderly traffic in the harbor.

Accept, etc.,

J. BERNSTORFF.

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*The Secretary of State to the German Ambassador.*

DEPARTMENT OF STATE,  
*Washington, May 3, 1915.*

EXCELLENCY: I have the honor to acknowledge the receipt of Your Excellency's note of April 1 last in relation to the refusal of the United States collector of customs at San Juan, Porto Rico, to clear the German steamer *Odenwald* for Hamburg with a cargo of 1,500 tons of coal and provisions. Your Excellency reviews certain circumstances connected with this incident and states that after two thorough searches of the vessel, application for clearance was denied by the collector on the plea that he had as yet received no instructions from Washington authorizing clearance and that the captain finally decided to put to sea without clearance papers, as further delay would cause increased danger from enemy cruisers which were gathering off the port.

Your Excellency further states that as the ship was leaving the harbor on the afternoon of Sunday, March 21, she "met with a brisk machine-gun fire from Morro Castle. A few minutes later a solid cannon shot struck the water a short distance in front of the ship's bow, raising a

<sup>1</sup> Not printed.

- column of water from ten to twelve feet high. The engine was immediately stopped and backed at full speed. The forward motion of the ship ceased at once, in spite of which she was fired upon about three minutes longer. Marks of the bullets can be plainly seen in various places of the ship and hull. It was only through luck that no human life was lost in that onslaught."

The foregoing statements are based on affidavits by the German Consul in Porto Rico, the captain of the *Odenwald*, the first officer, the third officer, and the chief engineer, which you enclosed.

Your Excellency requests to be advised as to why the *Odenwald's* clearance papers were refused, though in the opinion of the harbor officials, after two thorough inspections of the vessel, there was no ground upon which to decline to issue the papers, and Your Excellency declares that "the reckless action of the harbor authorities in opening fire on the steamer without warning" does not seem to you to have been "justified by the circumstances of the case, as it could hardly be the intention of the American Government to endanger, without imperative cause, the lives of a ship's crew for the mere sake of insuring orderly traffic in the harbor."

In reply I have the honor to state that upon the report to this Government by the authorities at San Juan of certain circumstances surrounding the preparation of the *Odenwald* for sea an investigation was immediately instituted. Until the investigation was concluded and acted upon at Washington, the authorities at San Juan were instructed to decline to issue clearance papers to the *Odenwald*. While this investigation was pending, and while the collector of customs at San Juan was acting under these instructions, the captain of the *Odenwald* reached the determination that he would depart without authorized clearance and in open violation of the customs laws of the United States. Circumstances, which it does not seem necessary to relate here, have shown that the suspicions as to the *bona fides* of the application for clearance, which had been aroused by the preparations for sailing by the officers of the *Odenwald*, acting in conjunction with the officers of the German steamer *President*, lying in the same harbor, were well founded, and that this Government and its officers at San Juan were justified in the course which they took in deferring the clearance of the *Odenwald*. Irrespective of the substantial grounds for the suspicions of the port officials at San Juan, the fact remains that the *Odenwald* in her endeavor to leave port on March 21 last without papers committed a willful breach of the

navigation laws of the United States, because of which judgments have been brought by the United States against the persons concerned in her illegal conduct which made it no longer possible for the United States authorities to employ force to prevent her departure on a mission which this Government felt at no time constituted a breach of the neutrality of the United States. It is a possible claim for lack of due diligence on the part of the Government in performing its neutral duties.

As to the assertion that the reckless action of the port authorities in their exercise of force endangered human lives on board the vessel, I have the honor to inform Your Excellency that this Government had instituted a thorough and searching investigation in connection with the attempted sailing and arrest of the *Odenwald*. The result of this investigation, which is supported by the affidavits of the officers of the customs, as well as of the military authorities in charge of the defenses of the port, establish the following facts:

On March 19, at a conference between the collector of the port, Burnham, United States Army, the German consul, the captain of the *Odenwald*, and others, the captain of the vessel was informed that the latter would use whatever force was necessary to prevent the *Odenwald* from leaving port without the necessary house clearance and that he would go to the length of using force if necessary on his command in the forts for this purpose.

On March 20, at another conference between the same parties, a similar statement was made to the captain of the *Odenwald* that he was arranged to place an armed party on board the vessel, unless the vessel's agents, and the German consul would give a guarantee that no attempt would be made to leave without proper papers. When no attempt was made to leave during the night of March 20-21, it was discovered in the early morning hours of the 21st that the German steamer *President* had boarded the vessel and that the machinery of the *Odenwald* was being put in motion. The authorities thereupon again notified the chief officer of the vessel not to depart without clearance papers, warning him that the vessel would be closely watched and would be stopped by force if necessary.

On March 21, at about 3 p. m., the *Odenwald* raised her steam and started her engines. The customs officer on board the vessel was told by the captain that if he desired to go ashore he could do so in the sail boat of the steamer *President*, which was at the disposal of the vessel.



*Odenwald* had moved ahead about 5 lengths when the customs officers notified the captain that the vessel could not leave port without clearance papers. Notwithstanding this notice the vessel continued in motion, and the officer was under the necessity of leaving the ship while she was under weigh.

As she passed San Augustin Bastion, 500 feet from Morro Castle, Capt. Wood, United States Army, who was there stationed with a machine gun, hailed the vessel several times and ordered her to stop, in circumstances which made it impossible for the officers of the vessel not to have heard the order. The *Odenwald* nevertheless continued on her course, whereupon about 75 shots were fired from the machine gun mounted on the bastion. These shots were aimed and fell a considerable distance in front and short of the *Odenwald*. In order not to endanger craft which appeared ahead of the *Odenwald* as she proceeded, 15 shots were fired from the machine gun, which fell off the stern of the vessel. Although these were small solid shots, they were used as a warning, because it is not possible to use blank cartridges in a machine gun. The machine gun was not aimed at the *Odenwald*, nor did any of the shots strike the vessel. Any marks on the *Odenwald's* hull, which is old and scarred through many months of sea service, were made by other causes than by machine-gun bullets striking the vessel, according to the proofs laid before this Government.

The *Odenwald* did not heed this warning or slacken her speed. Thereupon a 4.7-inch gun on the Morro Castle was aimed and fired under the personal direction of Col. Burnham. The shot struck at least 300 yards in front of the *Odenwald* and short of her projected course. The vessel then stopped and was taken back to her anchorage under the direction of a pilot. No machine-gun shots could have been fired from Morro Castle, as no machine guns are mounted at that fort.

It will be observed that six distinct warnings were given to the captain of the *Odenwald* that force would be used in case he attempted to leave the harbor without the clearance papers required by law, namely, at the conferences on March 19 and March 20, twice by the customs officers on board the vessel on March 21, by the orders of Capt. Wood from the bastion, and by the shots from his machine gun. None of these warnings was heeded by the captain, who persisted in his determination to leave port in violation of the laws of the United States, until the warning shot from Morro Castle induced him to obey the regulations of the port.

Your Excellency will perceive from the foregoing statement of facts

that the United States authorities at San Juan in the performance of their duties avoided any act endangering the safety of the vessel and the lives of the persons on board and exercised no greater force than was necessary to prevent the illegal departure of the *Odenwald* from the port of San Juan.

I have the honor, in accordance with Your Excellency's request, to return herewith the affidavits transmitted with your note under acknowledgment.

Accept, etc.,

W. J. BRYAN.

## PART XVI.

DETENTION OF THE AMERICAN MERCHANT SHIP  
SEGURANCA.

*The Secretary of State to Ambassador W. H. Page.*

[Telegram—Paraphrase—Extract.]

DEPARTMENT OF STATE,  
Washington, April 9, 1915.

Your 1889, 6th.

Ambassador Page is instructed to inform the Foreign Office that this Government, on behalf of the owners of the *Seguranca*, objects to its detention, as the shipper's manifest shows that the entire cargo was consigned to named consignees in Holland and is accompanied by a certificate of the British Consul General at New York; the loading of the vessel having, moreover, been supervised by said Consul General's inspector, and the vessel containing no cargo except what is specified in the manifest. The Ambassador is further instructed to advise the Foreign Office that this Government will support claims of owners of the vessel and cargo for damages for detention, as this Government does not admit the right of British Government to require that this cargo be reconsigned to the Netherlands Oversea Trust.

*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
London, April 28, 1915.

Your 1471, 26th.

Replying to my representations of 17th instant Foreign Office advises me as follows:

The steamship *Seguranca* was allowed to proceed on April 22, all the consignees having agreed to receive their goods through the Netherlands Oversea Trust.

While His Majesty's Government do not "require" cargoes to be consigned to

the Netherlands Oversea Trust, they do accept a consignment in th that the cargo is intended for *bona fide* consumption in Holland, a experience that no objection to that course is raised by reputable sl consignees.

As this practice has greatly facilitated and expedited the release for Dutch ports when brought in or calling for examination, it is United States Government will not do anything to interfere with its in the future.

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*The Secretary of State to Ambassador W. H. Pa*

[Telegram—Paraphrase.]

DEPARTMENT O  
Washington, M

Ambassador Page is instructed to inform the Foreign C owners of the *Seguranca* advise the Department that thou Consul General supervised the loading of the vessel, he fa them of the practice of consigning shipments to the Neth sea Trust, and that if the British Government desires the lowed as a matter of convenience, it should bring the same edge of shippers.

Ambassador Page is also instructed to inform the Forei the United States Government does not object to the co American shipments to the Netherlands Oversea Trust, plan be voluntarily acquiesced in by the shippers, but th ject to the holding up by British Government of noncontr until reconsigned to Netherlands Oversea Trust, and n that shipments consigned to other consignees in Holland l legal status as those consigned to Netherlands Oversea T United States Government finds no legal justification for of noncontraband cargoes and that in the circumstance the burden of proof is not on shipper to establish the n character, but is on the British Government to show con acter of shipments.

## PART XVII.

## DETENTION OF THE AMERICAN SHIP WICO.

*The Secretary of State to Ambassador W. H. Page.*

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,  
*Washington, March 20, 1915.*

Department of State is in receipt of a telegram from the American Minister at Stockholm, as follows:

His Britannic Majesty's Legation has the honor to inform the Royal Swedish Ministry for Foreign Affairs that the American Steamship *Wico* has arrived in the United Kingdom with a full cargo of oil for Krooks Petroleum and Oil Company, Stockholm. In view of the recent seizure by German men of war off Falsterbo of the Steamship *Bryssel* and her cargo of oil His Majesty's Government require to have complete assurances that this vessel will not share the same fate before they can allow her to proceed to destination. His Britannic Majesty's Legation would therefore be much obliged to be furnished with such assurances for immediate communication to the Foreign Office.

Ambassador Page is instructed to inquire of the British Government as to whether the vessel is held for reasons stated in the above telegram, and to state that, in that case, the Government of the United States considers that the vessel should be released at once, in view of the evident fact that the United States Government can not admit the right of the British Government to detain the vessel without any evidence showing that her cargo has an illegal destination, and before a reply has been received to demand made on a nonbelligerent country, which such country is evidently unable to comply with, viz., that it give assurances that the ship while on her way will not be held up by the forces of another belligerent Government.

*The Secretary of State to Minister Morris.*

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,  
*Washington, March 20, 1915.*

Mr. Bryan informs Mr. Morris that his telegram under date of March 18, 4 p. m., to the Department, has been communicated to Ambassador Page. Minister Morris is also advised that Ambassador Page has been instructed to make representations to the British Government for the release of the steamer *Wico*.

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*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
*London, April 8, 1915.*

Your 1296, March 20, regarding *Wico*.

Foreign Office replies to my representations in the premises stating that it has been decided in this case to permit this vessel to proceed to her destination, and instructions in that sense have already been issued. It is further stated that it is desired to point out that British Government feels that in event of further cargoes going to Stockholm being seized by German ships, the whole question of permitting oil cargoes to proceed to that destination will have to be seriously reconsidered.

PAGE.

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*The Secretary of State to Ambassador W. H. Page.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, April 12, 1915.*

You will say to British Government, in replying to its statement regarding release steamer *Wico*, that this Government considers that any seizure of American cargoes which might be made by the German authorities would be a matter which should be adjusted between the

Government of the United States and the German Government, and further say that the Government of the United States does not perceive that any such action on the part of the German authorities could afford justification for seizures of American cargoes by the British authorities.

BRYAN.

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*Ambassador W. H. Page to the Secretary of State.*

No. 1412.]

AMERICAN EMBASSY,  
*London, May 18, 1915.*

SIR: Adverting to the Department's cablegram No. 1408 of April 12, in regard to the detention of the S. S. *Wico* by the British authorities, and instructing me to acquaint the British Government that the Government of the United States considered that any question arising out of the seizure of American cargoes by the German authorities would be a matter for adjustment between the two Governments, and could not afford justification for the seizure of American cargoes by the British authorities, I have the honor to transmit herewith, for the information of the Department, a copy of a note, under date of May 16, which I have received from the Foreign Office in reply to my representations in the premises.

I have, etc.,

WALTER HINES PAGE.

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*The British Secretary of State for Foreign Affairs to Ambassador W. H. Page.*

[Inclosure.]

FOREIGN OFFICE,  
*May, 16, 1915.*

SIR: I have the honour to acknowledge the receipt of the note of the 16th ultimo, in which Your Excellency stated, in connection with the detention of the American ship *Wico*, that the Government of the United States considered that any question arising out of the seizure of American cargoes by the German authorities would be a matter for adjustment between the two Governments, and could not afford justification for the seizure of American cargoes by British authorities.

I regret that my note of the 7th instant did not explain with sufficient clearness the attitude which His Majesty's Government feel constrained to adopt in the matter. They had no intention of claiming the right to interfere with neutral vessels on their

way to neutral ports, on the ground that such vessels were liable to seizure by enemy cruisers. I should have stated that the recent seizures of a number of vessels and their diversion to German ports were affected in circumstances which left no doubt that there was collusion between the parties interested and the German authorities.

The right which His Majesty's Government claim, and which they will not be questioned by the United States Government, is that neutral vessels may be held up in cases where there are good grounds to suspect that their destination is not the genuine destination, and that fraudulent arrangements have been concerted with the enemy cruisers for delivering ship and cargo to the enemy hands.

I have, etc.,

For the Secretary  
W



## PART XVIII.

INTERNMENT OF THE GERMAN WARSHIP PRINZ EITEL  
FRIEDRICH.

*The Secretary of State to the German Ambassador.*

DEPARTMENT OF STATE,  
*Washington, March 18, 1915.*

EXCELLENCY: The Department of State has received from the Navy Department the report of the board of naval officers who made an examination of H. M. S. *Prinz Eitel Friedrich*, now in the harbor of Newport News, Va., with a view to ascertaining the repairs necessary to put the vessel in a thoroughly seaworthy condition, and from this report it appears that the time required for these repairs will be a period of 14 working days. The Government has concluded, therefore, that H. M. S. *Prinz Eitel Friedrich* will be allowed until midnight of the close of the 6th day of April next to complete her repairs, and that she will be allowed 24 hours in addition, or until midnight of the 7th day of April, to leave the territorial waters of the United States, or failing this that she will be under the necessity of accepting internment within American jurisdiction during the continuance of the wars in which your country is now engaged.

This information has been confidentially conveyed to the Treasury Department with the request that it be transmitted immediately to the commander of H. M. S. *Prinz Eitel Friedrich*.

Accept, etc.,

W. J. BRYAN.

*Memorandum to the British Embassy.*

DEPARTMENT OF STATE,  
*Washington, March 29, 1915.*

The Department of State has received the memorandum, dated March 24, 1915,<sup>1</sup> from His Britannic Majesty's Embassy; inviting atten-

<sup>1</sup> Not printed.

tion to the principle embodied in Article XVI of The Hague Convention, of 1907, No. XIII, paragraph 3, namely: that a belligerent warship may not leave a neutral port or roadstead until 24 hours after the departure of an enemy merchant ship.

It is pointed out that this convention was signed by Great Britain, but not ratified; that it was adhered to by the United States; that the principle referred to is generally accepted (Oppenheim sections 333 and 347); and that the regulations issued by the British Government on January 31, 1862, embodied this principle in sections 2 and 3.

His Britannic Majesty's Embassy states that it has no doubt that this principle will be taken into consideration by the United States authorities in regard to the departure of the German war vessel now undergoing repairs in the port of Newport News, Va.

In reply the Department of State informs His Britannic Majesty's Embassy that the Government of the United States has given instructions that this rule of international law be observed by the *Prinz Eitel Friedrich* upon her departure from an American port.

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*The German Ambassador to the Secretary of State.*

[Translation.]

J. No. A 2578.]

IMPERIAL GERMAN EMBASSY,  
*Washington, D. C., April 8, 1915.*

MR. SECRETARY OF STATE: I have the honor to express to Your Excellency my most sincere thanks for the accommodating treatment accorded H. M. S. *Prinz Eitel Friedrich* during her stay at Newport News. I have been especially gratified to hear that the Government of the United States had taken far-reaching safety measures for the protection of the ship from the various menaces of an attack.

I venture therefore respectfully to beg Your Excellency kindly to convey this expression of my thanks to the Departments and officials concerned. Neither shall I fail to apprise my Government of the attention shown M. H. S. *Prinz Eitel Friedrich*.

Accept, etc.,

J. BERNSTORFF.

## PART XIX.

INTERNMENT OF GERMAN CRUISER KRONPRINZ  
WILHELM.

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*The German Ambassador to the Secretary of State.*

[Translation.]

J. No. A 2681.]

IMPERIAL GERMAN EMBASSY,  
*Washington, D. C., April 12, 1915.*

MR. SECRETARY OF STATE: In continuation of my note of the 11th instant <sup>1</sup> I have the honor to inform Your Excellency that H. M. S. *Kronprinz Wilhelm* would like to land at Newport News 61 persons belonging to the crews of enemy vessels sunk by her.

The ship further stands in urgent need of repairs to restore her seaworthiness and has to replenish her supply of coal and provisions. The commander has asked me to procure for him permission to undergo the aforesaid necessary repairs at the Newport News shipyard, and announced that the extent and time of the repairs could only be made known upon the completion of the survey now on foot.

In compliance with the request of the commander of H. M. S. *Kronprinz Wilhelm*, I beg Your Excellency to take the necessary measures and in particular to allow the ship to stay at Newport News beyond the 24 hours prescribed by law in accordance with Article 14 of the 13th Convention of the 2d Conference of The Hague of October 18, 1907.

Accept, etc.,

For the Imperial Ambassador:

HANIEL.

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*The Secretary of State to the German Ambassador.*

DEPARTMENT OF STATE,  
*Washington, April 21, 1915.*

EXCELLENCY: In reply to your note of the 12th instant requesting the hospitality of the port of Norfolk for H. M. S. *Kronprinz Wilhelm*, I have

<sup>1</sup> Not printed.

the honor to inform you that the Department has received the report of the board of naval officers who have made an examination of the cruiser with a view to ascertaining the repairs which the vessel may undergo in American waters. From this report it appears that the time required for repairs will consume a period of six working days, but that the proposed repairs will not cover the damage to the port side of the cruiser incident to the service in which the vessel has been engaged.

The Government has concluded, therefore, that H. M. S. *Kronprinz Wilhelm* will be allowed until midnight of the close of the 29th day of April next to complete the proposed repairs in the port of Norfolk, and that she will be allowed 24 hours in addition, or until midnight of 30th day of April, to leave the territorial waters of the United States, or, failing this, that she will be under the necessity of accepting internment within American jurisdiction during the continuance of the wars in which your country is now engaged.

It is expected that in accordance with the President's proclamations of neutrality H. M. S. *Kronprinz Wilhelm* will not depart from the port of Norfolk within 24 hours after a vessel of an opposing belligerent shall have departed therefrom.

This information has been confidentially conveyed to the collector of customs at Norfolk for transmittal to the commander of the *Kronprinz Wilhelm*.

Accept, etc.,

For the Secretary of State:

ROBERT LANSING.

## PART XX.

## DETENTION OF AUGUST PIEPENBRINK.

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*The Secretary of State to Vice Consul Bundy.*<sup>1</sup>

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, December 7, 1914.*

It appears from information received by Department that Piepenbrink, waiter or steward on *Windber*, was taken from that American vessel while on the high seas by officers of French cruiser. His arrest and detention are deemed to be without right and you will ask British authorities who now detain him for his release.

BRYAN.

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*The Secretary of State to Ambassador Sharp.*<sup>2</sup>

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, December 7, 1914.*

August Piepenbrink, waiter or steward on American registered steamer *Windber* bound to New York, was taken from that vessel by officers of French cruiser *Conde*, about November 13, while on the high seas some two days out of Colon and 250 miles South of Kingston. Piepenbrink is of German birth, but had regularly filed declaration of intention to become American citizen at Sacramento, Cal., in 1910. He is now detained prisoner at Kingston, Jamaica, in charge of British officials. Action of French cruiser in seizing Piepenbrink is deemed to have been without right, as also his arrest and detention by British authorities. You will ask French Government for orders for his release.

BRYAN.

<sup>1</sup> Vice and Deputy Consul at Kingston, Jamaica.

<sup>2</sup> Similar instruction to Embassy at London.

*Ambassador W. H. Page to the Secretary of State.*

[Telegram.]

AMERICAN EMBASSY,  
*London, January 4, 1915.*

Your 705, December 7.

British Government answers that although August Piepenbrink has declared intention of becoming American citizen he appears from a legal standpoint to be still a German subject if he has not actually taken out letters of naturalization and that in these circumstances it is not possible for him to be released.

PAGE.

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*The Secretary of State to Ambassador W. H. Page.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, March 2, 1915.*

Your 1395, January 4, concerning detention of Piepenbrink. It is understood that the only reason assigned by British Government for his detention is that, although he has declared his intention to become an American citizen, he has not actually taken out letters of naturalization and appears from a legal standpoint to be a German subject. In reply to this and supplementing the grounds upon which this Government objects to his detention as set forth in Department's No. 705, December 7, inform British Government that since he declared his intention of becoming American citizen in 1910, Piepenbrink has been employed in the American Merchant Marine, and call attention to section 2174, U. S. Revised Statutes, which provides that every foreign seaman employed on board American merchant vessels having declared intention of becoming a citizen "shall, for all purposes of protection as an American citizen, be deemed such, after the filing of his declaration of intention to become such citizen." Also point out that independently of any question of Piepenbrink's American citizenship, this Government insists that his removal from an American vessel on the high seas was without legal justification. The facts show that Piepenbrink was not embodied "in the armed forces of the enemy," in the sense of the rule on that subject in the Declaration of London, and apart from the Declaration of London which this Government does not recognize as in force, there is no justifi-

cation in international law for the removal of an enemy subject from a neutral vessel on the high seas bound to a neutral port, even if he could properly be regarded as a military person. The rule was stated for Great Britain by Earl Russell in the *Trent* case (Moore's Digest VII, 772) as follows:

If the real terminus of the voyage be *bona fide* in a neutral territory, no English, nor, indeed, as Her Majesty's Government believe, any American, authority can be found which has ever given countenance to the doctrine that either men or despatches can be subject, during such a voyage, and on board such a neutral vessel, to belligerent capture as contraband of war.

For these reasons, which you will urge upon the attention of the British Government, you are instructed to again request that orders be issued for Piepenbrink's immediate release.

BRYAN.

---

*The Secretary of State to Ambassador Sharp.*

[Telegram.]

*Washington, March 2, 1915.*

Your 484, January 22. Inform Foreign Office that this Government regards the seizure of Piepenbrink by the French Government and his detention by the British Government as unjustifiable, and has to-day addressed a communication on this subject to the British Government requesting his immediate release and setting forth the grounds of objection to his detention, which apply equally to his seizure, the responsibility for which rests with the French Government. A copy of this communication is appended for the information of the Foreign Office, and its attention should also be called to the rule stated by the French Minister of Foreign Affairs in a note dated December 3, 1861, to the French Minister at Washington, in regard to the *Trent* case, as follows:

[Translation.]

The destination of the *Trent* was not a point belonging to one of the belligerents. She was carrying her cargo and her passengers to a neutral country, and, moreover, she had taken them on in a neutral port. If it were admissible that under such conditions the neutral flag did not completely cover the persons and merchandise which it was transporting, its immunity would not longer be anything but an empty word; at any time the commerce and navigation of third powers would have to suffer from their harmless or even indirect relations with one or the other of the belliger-

ents; the latter would no longer be entitled merely to require entire impartiality of a neutral and to forbid him from interfering in any way in the hostilities, but they would place upon his freedom of commerce and navigation restrictions the lawfulness of which modern international law has refused to admit. (Calvo, Fifth Edition, V, pp. 94-95.)

The seizure of Piepenbrink by the French Government was clearly contrary to the rule thus announced by that Government.

The communication to be presented to the British Government is as follows:

"It is understood that the only reason assigned by British Government for Piepenbrink's detention is that although he has declared his intention to become an American citizen, he has not actually taken out letters of naturalization, and appears from a legal standpoint to be a German subject. In reply to this and supplementing the grounds upon which this Government objects to his detention as set forth in Department's No. 705, December 7 (which corresponds to Department's 357, December 7 to you), inform British Government that since he declared his intention of becoming American citizen in 1910, Piepenbrink has been employed in the American merchant marine, and call attention to section 2174, U. S. Revised Statutes, which provides that every foreign seaman employed on board American merchant vessels having declared intention of becoming a citizen, 'shall, for all purposes of protection as an American citizen, be deemed such, after the filing of his declaration of intention to become such citizen.' Also point out that independently of any question of Piepenbrink's American citizenship, this Government insists that his removal from an American vessel on the high seas was without legal justification. The facts show that Piepenbrink was not embodied 'in the armed forces of the enemy' in the sense of the rule on that subject in the Declaration of London, and apart from the Declaration of London, which this Government does not recognize as in force, there is no justification in international law for the removal of an enemy subject from a neutral vessel on the high seas bound to a neutral port, even if he could properly be regarded as a military person. The rule was stated for Great Britain by Earl Russell in the *Trent* case (Moore's Digest, VII, 772) as follows:

If the real terminus of the voyage be *bona fide* in a neutral territory, no English, nor, indeed, as Her Majesty's Government believe, any American, authority can be found which has ever given countenance to the doctrine that either men or despatches can be subject, during such a voyage, and on board such a neutral vessel, to belligerent capture as contraband of war.



For these reasons, which you will urge upon the attention of the British Government, you are instructed to again request that orders be issued for Piepenbrink's immediate release."

BRYAN.

*Ambassador Sharp to the Secretary of State.*

No. 298.]

AMERICAN EMBASSY,  
*Paris, March 12, 1915.*

SIR: In acknowledging the receipt of the Department's telegraphic instruction No. 600 of the 3d instant, relative to the seizure on board the American steamer *Windber* of August Piepenbrink, I have the honor to enclose herewith the copy of a note which I handed to Mr. Delcassé, the French Minister for Foreign Affairs, on March 5, in conformity therewith.

At the same time, I stated to Mr. Delcassé that the American Ambassador at London had been instructed to make representations to the British Government, requesting the immediate release of Piepenbrink.

The Minister replied that he would give the matter his urgent and early attention, examining the question in the most friendly spirit.

I have, etc.,

WM. G. SHARP.

[Inclosure.]

*Ambassador Sharp to the French Minister for Foreign Affairs.*

AMERICAN EMBASSY,  
*Paris, March 5, 1915.*

EXCELLENCY: Acting on instructions from my Government, I had the honor to address a note to Your Excellency on December 11, 1914, regarding the seizure by the French cruiser *Condé* of August Piepenbrink, a steward on board the American steamer *Windber* bound from Colon to New York. My Government considering the removal of this seaman from an American vessel as without right, I was directed to request that orders be given for his release.

On January 14 Your Excellency replied that at the time of his arrest Piepenbrink, having raised no protest nor presented any certificate testifying to his intention of becoming naturalized as an American, had been placed under the custody of the Governor of Kingston and that it lay within the province of that official to decide the question of his liberation.

My Government, to whom this response was duly transmitted, again instructs me to inform Your Excellency that it regards the seizure of Piepenbrink by the French

Government and his detention by the British Government as unjustified. A communication to this effect has been addressed to the British Government, requesting his immediate release and setting forth the grounds on which the United States objects to his detention. This objection applies equally to his seizure, the responsibility for which rests with the French Government.

For the information of Your Excellency, I am instructed to inform you that the communication to the British Government is in substance as follows:

It is understood that the only reason assigned by the Government of Great Britain for the detention of Piepenbrink is that, although he had declared his intention of becoming an American citizen, he had not actually taken out a certificate of naturalization, and, therefore appeared, from a legal standpoint, to be a German subject. In reply thereto, and supplementing the previous grounds upon which the American Government objects to his detention, the Ambassador at London has been instructed to point out to His Britannic Majesty's Government that since Piepenbrink declared his intention of becoming an American citizen in 1910, he had been employed in the American merchant marine and therefore falls within the scope of the law which provides that every alien seaman employed on board American ships, having declared an intention of becoming a citizen of the United States, "shall, for all purposes of protection as an American citizen, be deemed such, after the filing of his declaration of intention to become such citizen." (United States Revised Statutes, Section 2174.)

Aside from the question of Piepenbrink's right to protection under this law, the Government of the United States is constrained to insist that his removal from an American vessel on the high seas was without legal justification. The facts show that he was not "embodied in the armed forces of the enemy" in the sense of the rule on that subject as contained in the Declaration of London and, moreover, apart from this Declaration, which my Government does not recognize as now in force, there is no justification in international law for the removal of an enemy's subject from a neutral vessel on the high seas bound to a neutral port, even if he could properly be considered as a military person.

The rule was stated for Great Britain by Earl Russell in the *Trent* case:

"If the real terminus of the voyage be *bona fide* in a neutral territory, no English, nor indeed, as Her Majesty's Government believe, any American, authority can be found which has ever given countenance to the doctrine that either men or despatches can be subject, during such a voyage, and on board such a neutral vessel, to belligerent capture as contraband of war." (Earl Russell to Lord Lyons, January, 1862.)

In communicating to Your Excellency the foregoing substance of the communication to be made to the British Government, Your Excellency's attention is especially invited to the rule laid down by one of your distinguished predecessors in a note dated December 3, 1861, addressed to the French Minister at Washington, in which he expressed himself as follows:

"The destination of the *Trent* was not a point belonging to one of the belligerents. She was carrying her cargo and her passengers to a neutral country, and moreover she had taken them on in a neutral port. If it were admissible that under such conditions the neutral flag did not completely cover the persons and merchandise which it was transporting, its immunity would no longer be anything but an empty word; at any time the commerce and navigation of third powers would have to suffer from their harmless or even indirect relations with one or the other of the

belligerents; the latter would no longer be entitled merely to require entire impartiality of a neutral and to forbid him from interfering in any way in the hostilities; but they would place upon his freedom of commerce and navigation restrictions the lawfulness of which modern international law has refused to admit." (Calvo, Fifth edition, V, pp. 94, 95.)

Consequently, the seizure of this seaman by the French Government was clearly contrary to the rule which the French Government thus announced.

With assurances, etc.,

WILLIAM G. SHARP.

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*Ambassador W. H. Page to the Secretary of State.*

No. 1166.]

AMERICAN EMBASSY,  
*London, April 6, 1915.*

SIR: With reference to your telegram No. 1209 of March 2 last, relative to the detention of August Piepenbrink, I have the honor to inclose herewith a copy of a note I have just received from the Foreign Office; stating that the British and French Governments have decided to liberate this man as a friendly act, while reserving the question of principle involved, upon which my telegram No. 1879 of to-day was based.

I have, etc.,

WALTER HINES PAGE.

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[Inclosure.]

*The Secretary of State for Foreign Affairs to Ambassador W. H. Page.*

FOREIGN OFFICE, *April 3, 1915.*

YOUR EXCELLENCY: With reference to Your Excellency's note of the 4th instant, relative to the detention of August Piepenbrink, a German subject, who was taken prisoner by the French cruiser *Condé* out of the United States Steamship *Windber* and is at present detained at Kingston, Jamaica, I have the honor to inform Your Excellency that His Majesty's Government, in common with the French Government, have decided to liberate this man as a friendly act, while reserving the question of principle involved.

I have, etc.,

For the Secretary of State.

A. LAW.

*Ambassador Sharp to the Secretary of State.*

No. 533.]

AMERICAN EMBASSY,  
*Paris, April 21, 1915.*

SIR: Confirming this Embassy's telegram No. 699 of April 17, relative to the case of one Piepenbrink taken from the American ship *Windber* and held under arrest as a prisoner of war at Kingston, I have the honor to inclose herewith a copy and translation of the note from the Minister of Foreign Affairs, the substance of which was embodied in my telegram No. 699.

I have, etc.,

WM. G. SHARP.

[Inclosure—Translation.]

*The Minister for Foreign Affairs to Ambassador Sharp.*FRENCH REPUBLIC, MINISTRY FOR FOREIGN AFFAIRS, *April 15, 1915.*

MR. AMBASSADOR: By your letter of December 11, 1914, Your Excellency was pleased to bring to my attention the case of a certain Piepenbrink, August, waiter on board the American vessel *Windber*, who was arrested by the French cruiser *Condé* and landed at Kingston, where the English authorities of that port held him as prisoner of war.

I have the honor to inform you that the case of the said Piepenbrink was duly submitted to the kind consideration of the British Government and that the latter is in accord with the French Government to agree to release this prisoner of war, as a special favor, while reserving the question of principle. The British Foreign Office has addressed a note in this sense to the American Embassy at London and informs me that the necessary instructions have been given to the authorities at Kingston to liberate Piepenbrink.

Kindly accept, etc.,

DELCASSÉ.

## PART XXI.

INTERMENT OF THE GERMAN PRIZE SHIP *FARN*.

*The British Ambassador to the Secretary of State.*

No. 18.]

BRITISH EMBASSY,  
*Washington, January 13, 1915.*

SIR: I have the honour to inform you that I learn a ship named the *K. D. 3* flying the German flag entered the port of San Juan, Porto Rico, on the 12th instant. The British Consul states that there is evidence to show that this vessel is the former British *Farn* of London, which has been captured by the enemy. Being private property it is not recognized by international law as lawful prize until it has been taken into a prize court of the captor and adjudicated upon.

I have the honour to request that the United States Government will be so good as to cause this matter to be investigated by the proper authorities and, if satisfied that the facts are as stated above, to give orders for the detention of this vessel in the interests of a proper observance of neutrality.

I have, etc.,

CECIL SPRING-RICE.

*The British Ambassador to the Secretary of State.*

No. 26].

BRITISH EMBASSY,  
*Washington, January 17, 1915.*

SIR: Referring to my notes Nos. 18 and 25 of the 13th and 14th<sup>1</sup> instant, relative to the British ship *Farn* which has been taken into the port of San Juan, Porto Rico, I have the honour to say that His Majesty's Government presume that the United States Government will refuse the request of the German officer and that instructions will be given to the authorities at San Juan to act in conformity with Article 21 of the Convention signed at The Hague on October 18, 1907, known as No. 13 of the Instruments signed at the Second Peace Conference.

I have, etc.,

CECIL SPRING-RICE.

<sup>1</sup> Not printed.

*The Secretary of State to the British Ambassador.*

DEPARTMENT OF STATE,  
*Washington, January 29, 1915.*

EXCELLENCY: I have the honor to acknowledge the receipt of your notes of the 13th, 14th, and 17th instant in regard to the steamer *K. D. 3*, which entered the port of San Juan, Porto Rico, in the possession of a German prize crew, and to inform you in reply that, as stated to you informally at the Department, this Government, after a careful investigation of the case, determined to treat the steamer as a tender to a belligerent fleet, and on the 22d instant instructions were given that the vessel be ordered to leave port within 24 hours after notice to that effect, and upon failure to leave, that the vessel, together with the prize officers and crew, be interned, the British officers and crew and the Chinese seamen being released.

The Department is now advised that the vessel, together with the prize officers and crew, was interned on the 25th instant at San Juan.

I have, etc.,

W. J. BRYAN.

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*The British Ambassador to the Secretary of State.*

No. 82.]

BRITISH EMBASSY,  
*Washington, February 26, 1915.*

SIR: In your note of the 29th ultimo you were good enough to inform me of the decision of the United States Government to treat the steamship *Farn*, or *K. D. 3*, which entered the port of San Juan, Porto Rico in the possession of a German prize crew, as a tender to a belligerent fleet, and that as a result of the instructions given in pursuance of this decision the vessel had been interned.

I understand from the conversations on this question which I have had the honour to have at the Department of State, that the United States Government have been under the impression that the *Farn*, at the time of her original capture by a German cruiser, was employed as an Admiralty collier. I am now informed by my Government that the vessel has not in fact been employed as a collier or otherwise on Admiralty service since the outbreak of war, and that at the time of her capture she was carrying a commercial cargo to the Plate.

I am further instructed to state that His Majesty's Government consider that, in any case, whatever the previous status of the vessel

may have been, it would be necessary, before the vessel could be treated by a neutral Power in whose port she might find herself, as a German fleet auxiliary, instead of as a prize under Article 21 of the Hague Convention, that there should have been a finding of condemnation of her on some other ground by a competent prize court.

His Majesty's Government for these reasons consider that no circumstances have been disclosed in the present case which would justify the treatment of the *Farn* in a manner other than that prescribed in Article 21 of the Hague Convention No. 13 of 1907, and they trust that on further consideration the United States Government will agree in this view and issue the necessary instructions to the authorities concerned for the release of the vessel.

I have, etc.,

CECIL SPRING-RICE.

*The Secretary of State to the British Ambassador.*

DEPARTMENT OF STATE,  
Washington, March 13, 1915.

EXCELLENCY: I have the honor to acknowledge the receipt of Your Excellency's note of the 26th ultimo in relation to the steamship *Farn*, or *K. D. 3*, which has been interned in the port of San Juan, Porto Rico, as a tender to a belligerent fleet. The Department is advised that the *Farn* left Cardiff about September 5, 1914, for Montevideo, with a clause in her charter to deliver coal to warships if they so desired. Though, as you state, the vessel was not employed as a collier, or otherwise, in the Admiralty service, this fact would not in the opinion of the Department affect her status at the time of internment if she indeed acted as a collier or auxiliary to a belligerent fleet. It is understood that the *Farn* was a British merchant vessel; that she had on board a cargo of Cardiff coal amounting to some 3,000 tons; that she was captured by the German cruiser *Karlsruhe* on October 5; that the cruiser placed a prize crew and officers on board; and that notwithstanding the known practice of the *Karlsruhe* to sink her enemy prizes, the vessel had been at sea continuously since the date of capture until she put into the port of San Juan on January 12 last for provisions and water. The Department believes that the only reasonable conclusion in the circumstances, is that between October 5 and January 12 the *Farn* was used as a tender to German warships. It appears obvious that a belligerent may use a

prize in its service and that the prize thereby becomes stamped with a character dependent upon the nature of the service. It is upon this view of the case that the United States Government concluded to treat the vessel as a tender, which character accords with her presumed service to the German fleet.

Your Excellency states that it would be necessary before the vessel could be treated as a German fleet auxiliary that she should have been condemned by a competent prize court. With this conclusion the Government of the United States is under the necessity of disagreeing. In the opinion of this Government an enemy vessel which has been captured by a belligerent cruiser becomes as between the two governments the property of the captor without the intervention of a prize court. If no prize court is available this Government does not understand that it is the duty of the captor to release his prize, or to refuse to impress her into its service. On the contrary, the captor would be remiss in his duty to his Government and to the efficiency of its belligerent operations if he released an enemy vessel because he could not take her in for adjudication.

As to Article 21 of Hague Convention No. 13 of 1907 cited by Your Excellency as prescribing the treatment to be accorded to the *Farn*, it is only necessary to state that as it appears that his Majesty's Government has not ratified this Convention it should not be regarded as of binding effect between Great Britain and the United States.

In this relation I venture to call to your attention that the British Consul at San Juan protested on January 12th against the clearance of the *Farn*, and that Your Excellency in your note of January 13 requested that she be detained in the interest of neutrality. It was not until January 17 that Your Excellency informed the Department that His Majesty's Government presumed that the United States would act under Article 21 of Hague Convention No. 13 of 1907 in regard to the release of the vessel. Sufficient time had thus elapsed to allow for communication with British warships and their appearance off the port of San Juan. The result of releasing a German prize loaded with coal at this juncture needs no comment.

In the circumstances the Government of the United States is under the necessity of adhering to its decision to intern until the end of the war the Steamship *Farn* as a fleet auxiliary.

I have, etc.

For the Secretary of State:

ROBERT LANSING.



*The British Ambassador to the Secretary of State.*

No. 124.]

BRITISH EMBASSY,  
*Washington, March 26, 1915.*

SIR: I have the honour to acknowledge the receipt of your note of March 13 in which you are good enough to explain the grounds on which the United States Government is under the necessity of adhering to its decision to intern until the end of the war the steamship *Farn* as a fleet auxiliary.

The tenour of your note was duly telegraphed to His Majesty's Government, who desire me to inform you that it will have their most attentive consideration. They prefer, however, to await the receipt of the full text before replying in detail.

They do not at present understand to whom the United States Government feel themselves bound to hand over the *Farn* at the end of the war, and they would much appreciate it if they could be informed of the decision arrived at in this respect. While they would be very glad if this point could be cleared up, they do not abandon their contention that the *Farn* ought to be released to the British owners without delay.

I have, etc.,

CECIL SPRING-RICE.

## PART XXII.

## NON-CONTRABAND CHARACTER OF HYDROAEROPLANES.

*The German Ambassador to the Secretary of State.*

IMPERIAL GERMAN EMBASSY,  
*Washington, January 19, 1915..*

MR. SECRETARY OF STATE: It has come to my knowledge that a number of hydroaeroplanes have been ordered in the United States for belligerent States from the Curtis plant at Hammondsport, N. Y., and that a part of them has already been delivered.

An airship named *America* was delivered in October of last year to England and five more hydroaeroplanes of the same type have been delivered since.

England has also ordered 24 hydroaeroplanes of the I. N. model (70 horsepower) from Curtis.

Curtis is also building for England 12 hydroaeroplanes of the K model of 160 horsepower.

Russia has also recently ordered a number hydroaeroplanes of the K model from Curtis. How many is not yet known.

The motors for the aeroplanes are built partly by Curtis himself at Hammondsport, partly by the Herschel Spillman Motor factory at North Tonawanda, N. Y.

The wings are made at the Curtis plant, the minor parts by the Autocrat Manufacturing Co.

The Tonawanda Boat Co. furnishes the boat part.

There is no doubt that hydroaeroplanes must be regarded as war vessels whose delivery to belligerent States by neutrals should be stopped under Article 8 of the 13th Convention of the Second Hague Conference of October 18, 1907. Hydroaeroplanes are not mentioned by name in the Convention simply because there was none in 1907 at the time of the Conference.

On the supposition that hydroaeroplanes are delivered to belligerents against the wishes of the Government of the United States, I have the honor to bring the foregoing to Your Excellency's kind knowledge.

Accept, etc.,

J. BERNSTORFF.

*The Secretary of State to the German Ambassador.*

DEPARTMENT OF STATE,  
*Washington, January 29, 1915.*

EXCELLENCY: I have the honor to acknowledge the receipt of Your Excellency's note of the 19th instant, and in reply have to inform you that the statements contained in Your Excellency's note have received my careful consideration in view of the earnest purpose of this Government to perform every duty which is imposed upon it as a neutral by treaty stipulation and international law.

The essential statement in your note, which implies an obligation on the part of this Government to interfere in the sale and delivery of hydroaeroplanes to belligerent powers, is:

There is no doubt that hydroaeroplanes must be regarded as war vessels whose delivery to belligerent States by neutrals should be stopped under Article 8 of the 13th Convention of the Second Hague Conference of October 18, 1907.

As to this assertion of the character of hydroaeroplanes I submit the following comments: The fact that a hydroaeroplane is fitted with apparatus to rise from and alight upon the sea does not in my opinion give it the character of a vessel any more than the wheels attached to an aeroplane fitting it to rise from and alight upon land give the latter the character of a land vehicle. Both the hydroaeroplane and the aeroplane are essentially air craft; as an aid in military operations they can only be used in the air; the fact that one starts its flight from the surface of the sea and the other from the land is a mere incident which in no way affects their aerial character.

In view of these facts I must dissent from Your Excellency's assertion that "there is no doubt that hydroaeroplanes must be regarded as war vessels," and consequently I do not regard the obligations imposed by treaty or by the accepted rules of international law applicable to air craft of any sort.

In this connection I further call to your Excellency's attention that according to the latest advices received by this Department the German Imperial Government include "balloons and flying machines and their component parts" in the list of conditional contraband, and that in the Imperial Prize Ordinance, drafted September 30, 1909, and issued in the Reichsgesetzblatt on August 3, 1914, appear as conditional contraband "airships and flying machines" (Article 23, section 8). It thus appears that the Imperial Government have placed and still retain air craft of

all descriptions in the class of conditional contraband, for which no special treatment involving neutral duty is, so far as I am advised, provided by any treaty to which the United States is a signatory or adhering power.

As in the views of this Department the provisions of Convention XIII of the Second Hague Conference do not apply to hydroaeroplanes I do not consider it necessary to discuss the question as to whether those provisions are in force during the present war.

Accept, etc.,

W. J. BRYAN.

PART XXIII.  
DUAL NATIONALITY.

*The Secretary of State Ad Interim to Senator H. C. Lodge.*

DEPARTMENT OF STATE,  
*Washington, June 9, 1915.*

MY DEAR SENATOR LODGE: I have received your letter of June 5, 1915, in reply to my letter of June 2, concerning the detention in Italy for military service of Ugo Da Prato, who was born in Boston, August 25, 1895, and went to Italy in 1912 to study architecture, and whose father, Antonio Da Prato, a native of Italy, obtained naturalization as a citizen of this country in the District Court of the United States at Boston, March 19, 1892; that is, before the son's birth. Accompanying your letter are the birth certificate of Ugo Da Prato and the naturalization certificate of his father.

The Department has telegraphed to the American Ambassador at Rome, directing him to call the attention of the Italian Government to the facts mentioned above, ask for the immediate release of Ugo Da Prato, and report the result. As Ugo Da Prato was born in this country after his father had obtained naturalization as a citizen of the United States, it does not appear that he can be considered an Italian subject under Italian law, and I have no doubt that he will be released. I shall be glad to inform you of the Ambassador's report.

In the Department's letter of June 2 you were asked to forward not only the birth certificate of Ugo Da Prato, but the naturalization certificate of his father, and in this connection the following statement was made:

The Department is being called upon to take action in a good many cases similar to that of Ugo Da Prato. The Italian law concerning naturalization of Italians in foreign countries is peculiar. Article 11 of the Italian Civil Code contains the following provision:

"Art. 11. Citizenship is lost by the following persons:

"1. \* \* \*

"2. He who has acquired citizenship in a foreign country."

Article 12, however, reads as follows:

"ART. 12. The loss of citizenship in the cases mentioned in the foregoing article does not work exemption from the obligations of the military service, nor from the penalties imposed on those who bear arms against their country."

Under the provisions of law mentioned the Italian Government recognizes the naturalization of Italians as citizens of other countries, but holds them liable for military service in Italy unless they have been expressly excused therefrom. In view of Article 11, persons born in this country of fathers naturalized before their births are not considered Italian subjects or held liable for military service in Italy. It is very important that in each case of this kind the Department should be furnished with the best documentary evidence procurable of the naturalization of the father and the subsequent birth in this country of the son, so that necessary assurances may be given to the Italian Government.

In your letter under acknowledgment you make the following observations:

I note what you say in regard to the Italian law, which obviously does not apply to young Da Prato, but, speaking generally, I can not assent for a moment to the proposition that such a thing as dual citizenship is possible. As you well know, we constituted ourselves as champions against the doctrine of indefeasible allegiance and have succeeded in compelling the acceptance of our view by all the nations with the exception, I think, of Russia and Turkey. The abandonment of indefeasible allegiance is in itself the establishment of the principle that there can be no such thing as dual citizenship, either in whole or in part, and to attempt to retain the right over a boy, born in this country of parents not naturalized—which is not the case with Da Prato—for military service in the country of origin of the parents is absurd on its face and is something to which we should never assent for a moment.

After making some observations concerning the provision of the German law of nationality of June 1, 1914, according to which Germans who obtain naturalization as citizens of other countries may, under certain conditions, retain their German nationality, and after observing that any alien who endeavors to retain his original allegiance when he takes an oath of allegiance to the United States and becomes naturalized as a citizen of this country commits perjury, you say:

Italy \* \* \* has no possible claim on the children of Italian parents, not naturalized, born in this country, especially if they have exercised all the rights of citizenship as they are entitled to do under the 14th amendment to the Constitution. Such a child has never been an Italian subject for one minute. Italy has no more claim on him than she has on one of my children or one of yours. I believe that there is also something similar to this in French law. We shall find ourselves in a very awkward position with our large body of naturalized citizens and their children if we do not take the stongest position against Article 12 of the Italian Civil Code which you quote.

The argument contained in your letter is similar to that in an article which appeared in the June number of the Metropolitan Magazine, in reference to the Department's letter of April 2 to Mr. P. A. LeLong, junior, of Louisiana, concerning his citizenship. In the Department's letter to Mr. LeLong his attention was called to the fact that, although, having been born in this country, he was an American citizen under American law, it appeared that he was also born a French citizen under French law, because of the fact that his father was a French citizen. The Department therefore observed that he appeared to have been born with "a dual nationality."

As this general subject has been the cause of considerable comment, I venture to discuss the matter at some length.

Dual nationality is not a theory or doctrine promulgated by the Department, but is the unavoidable result of the conflicting laws of different countries. Under the American law of nationality, which is derived from the English law, American nationality is based primarily, upon the fact of birth within American territory and jurisdiction, under what is known as the *jus soli*, whereas in the countries of continental Europe nationality is acquired primarily through descent, under the *jus sanguinis*. This follows naturally from the basis of jurisdiction which in the common law is the *locus* and in the civil law the *persona*. The Revised Statutes of the United States however contain the following provision in Section 1993 (Act of April 14, 1802):

All children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States.

A provision substantially similar to the above was added to the original British law of nationality. Also the laws of some, although not all, countries of continental Europe contain provisions under which nationality is acquired, under certain conditions, through birth within their territory. The status of a person who is born a citizen of one country under the *jus soli* and a citizen of another country under the *jus sanguinis* is commonly termed "dual nationality." Whether or not this term is considered apt, the fact remains that many persons are born citizens or subjects of two countries under their respective laws. Thus, a person born in Italy of American parents is born a citizen of the United States, provided his father has resided in this country, but, under certain

conditions, he may also be considered an Italian subject. Also, a person born in the United States of Italian parents is born a citizen of the United States under the law of this country, and a subject of Italy under the law of Italy.

The fact of dual nationality has been recognized by the Department for many years. Secretary of State Fish in a report to the President dated August 25, 1875, said:

The child born of alien parents in the United States is held to be a citizen thereof and to be subject to duties with regard to this country which do not attach to the father.

The same principle on which such children are held by us to be citizens of the United States, and to be subject to duties to this country, applies to the children of American fathers born without the jurisdiction of the United States, and entitles the country within whose jurisdiction they are born to claim them as citizens and to subject them to duties to it.

Such children are born to a double character. The citizenship of the father is that of the child so far as the laws of the country of which the father is a citizen are concerned and within the jurisdiction of that country; but the child, from the circumstances of his birth, may acquire rights and owes another fealty besides that which attaches to the father. (Moore's International Law Digest, Volume III, page 520.)

I desire further to call your attention to the following statement in the report of the citizenship board which was appointed during the administration of President Roosevelt "to inquire into the laws and practice regarding citizenship of the United States, expatriation, and protection abroad, and to report recommendations for legislation to be laid before Congress," which report was forwarded to the Speaker of the House of Representatives by Secretary of State Elihu Root, with a letter of approval and commendation, dated December 18, 1906:

Inasmuch as our Government declares that all persons born in the United States are citizens of the United States, and also recognizes, as well as adopts, on its own part, the rule that children of citizens resident abroad are citizens of the country to which the parents owe allegiance, there arises, as will be seen, a conflict of citizenship, spoken of usually as dual allegiance. (House Document No. 326, 59th Congress, 2d session, page 74.)

A full discussion of the subject of dual allegiance may be found in Moore's Digest of International Law, Volume III, pages 518-551.

For the reasons mentioned above it is obviously important for the Department, in dealing with the case of a person who was born in this country and had a father of Italian birth, to ascertain whether his



father had previously acquired naturalization as a citizen of the United States. This is especially important when it is a case, such as that which you have presented, of a person who has not yet reached his majority. The extent to which this Government may go, and the arguments which it may use, in the actual protection of persons who were born in the United States of alien fathers and who may be molested while temporarily visiting the countries of origin of the latter must necessarily depend upon the particular facts and circumstances of each case. In no case, in the absence of conventional arrangements, can the Department assure such persons in advance that they will not be held liable, under the laws of other countries concerned, for the performance of military or other public service attaching to citizenship. In the Department's letter of May 5 to Mr. P. A. LeLong, Junior, the following statement was made:

If at any time in the future you should find it necessary to visit France and should there be molested upon the ground that you are a French citizen, you should inform a diplomatic or consular officer of the United States, who would report the matter to the Department in order that it might take such measures in your behalf as would seem warranted by the peculiar facts and circumstances of your case.

The Department, having advised American citizens generally "to avoid visiting unnecessarily countries which are at war" did not encourage Mr. LeLong to choose the present time to make an unnecessary test of his political position in France.

The cases of persons born in the United States of alien parents should not be confused with the cases of persons born abroad who have obtained naturalization as citizens of this country. In the former cases the Department recognizes now, as it always has heretofore, that the persons concerned are born with a dual nationality. In the latter cases the Department does not recognize the existence of dual nationality in view of the fact that persons who obtain naturalization as citizens of this country are required to renounce their original allegiance.

While this Government holds that naturalized American citizens can not rightfully be called upon to perform military or other obligations which had not actually accrued before their emigration, the Department has always deemed it advisable to call the attention of naturalized Italians to the position in which they will be placed in case they voluntarily return to Italy. During and since the administration of President Roosevelt the Department of State has accordingly issued a circular warning them to this effect entitled: "Notice to American Citizens.

Formerly Subjects of Italy who Contemplate Returning to that Country," which contains the following statement:

Naturalization of an Italian subject in a foreign country without consent of the Italian Government is no bar to liability to military service.

Similar circulars have been issued during and since the administration of President Roosevelt calling attention to the status in their native lands of naturalized citizens of the United States born in France and other European countries. In the circular concerning naturalized Germans attention is called to the fact that naturalization of such persons in this country is recognized by the German Government under the treaties concluded with the German States in 1868, commonly known as the "Bancroft Treaties." In this connection I may say that the United States has concluded naturalization treaties with the following countries of Europe besides Germany: Austria-Hungary, Belgium, Denmark, Great Britain, Norway, Sweden, and Portugal.

With reference to your remarks concerning the status of Germans who acquire naturalization in this country, and particularly to the provision of the new German law of nationality according to which German allegiance may be retained, under certain conditions, by Germans naturalized abroad, I may say that it is quite true that no alien can lawfully acquire American citizenship through naturalization and at the same time voluntarily retain his original nationality; for the third section of the Naturalization Act of June 29, 1906, makes the following requirement of every alien applying for naturalization as a citizen of this country:

He shall, before he is admitted to citizenship, declare on oath in open court that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to any foreign prince, potentate, State, or sovereignty, and particularly by name to the prince, potentate, State, or sovereignty of which he was before a citizen or subject; that he will support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same.

It is obvious that any person who takes the oath just quoted and at the same time voluntarily retains or attempts to retain his original allegiance is guilty of perjury and dishonor. Moreover, the naturalization of such a person would be open to cancellation as fraudulent, under the provision of Section Fifteen of the Naturalization Law.

The Department of State has not been informed of any case in which a

German has attempted to acquire American citizenship through naturalization and at the same time retain his German nationality under the provision of Section 25 of the German Law of Nationality.

In closing, allow me to say that this Government has not receded from the position taken many years ago as to the natural right of men to make a voluntary change of nationality, commonly known as the right of expatriation. Nevertheless the Department of State deems it proper to continue the practice which it has followed for many years of informing naturalized American citizens of the position in which they will find themselves in case they voluntarily visit their native countries. For the same reason the Department deems it proper to warn persons having a dual nationality of the claims which may be made upon them by the other countries concerned. It is believed that the Department would not be performing its full duty in this matter if it should fail to give this information.

Very truly yours,

ROBERT LANSING.

The Hon. HENRY CABOT LODGE,  
*Nahant, Massachusetts.*

## PART XXIV.

## CIRCULAR INSTRUCTIONS AND CORRESPONDENCE RELATING TO THE ISSUING OF PASSPORTS.

*The Secretary of State to the Embassies and Legations in Europe.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, August 1, 1914.*

You are authorized to issue emergency passports to American citizens who request them. Inform Department if additional blank passports are needed. May temporarily use typewritten forms if necessary. Direct all consular officers to advise American citizens within their districts to register and to give duplicate certificates of registration, with wafer seals attached, to all persons registered who do not bear passports. In case of emergency certificates of registration may be issued directly from consular agencies. Standing instructions concerning expatriation are to be observed. Afford protection to all Americans needing or requesting it. Communicate Department each request for financial assistance, with circumstances of case, and United States address of relatives, and whether consuls have difficulty in drawing on Department for funds deposited by relatives. Advise Americans to avoid remote places and unnecessary risks and to stay in capitals or large cities near sailing ports if they must remain abroad.

BRYAN.

*The Secretary of State to Ambassador Penfield.*<sup>1</sup>

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, August 10, 1914.*

In case consular registration certificates are not accepted by local officials for residence, travel, or exit in place of passports, direct consuls,

<sup>1</sup> Same, *mutatis mutandis*, to the Embassies at Paris, Berlin, London, Rome, and Madrid, and the Legations at Brussels, Athens, The Hague, Christiania, Stockholm, and Berne.

except consul at Vienna (Brussels, etc.), to issue emergency passports under their official seals and signatures until further notice, and for that purpose to have blank passports printed, Form No. 9. Applications should be taken in duplicate, and extra copies sent to the Department through Embassy (or Legation). Caution consuls to require positive evidence of citizenship. Fees are not to be required for issuance of emergency passports or execution of applications therefor. Report doubtful cases with home address. BRYAN.

*The Acting Secretary of State to the Embassies and Legations in Europe.*

[Telegram.]

DEPARTMENT OF STATE,  
Washington, September 12, 1914.

The Department is informed that many persons not American citizens apply for American passports and consular registration certificates to enable them to leave their native lands, or other European countries, and come to this country, some of them for the special purpose of evading military service. It is, therefore, especially important to observe standing instructions concerning the issuance of these documents. Regular emergency passports and consular registration certificates should be issued only to native and naturalized American citizens and citizens of the insular possessions. Native citizens can not be required to produce birth certificates, but should be required to submit satisfactory identification. In doubtful cases they should be required to give references to persons in this country, of whom the Department may make inquiries. Persons claiming citizenship through naturalization should be required to submit naturalization certificates or old passports. If not provided with such documents, the Department should be informed by telegraph of name of court in which naturalization is alleged, and date, so that inquiries may be made.

Limited passports, under section 1, Act of March 2, 1907, may be issued by embassies and legations only to persons who have resided in this country three years, have made declarations of their intention to become American citizens, and have sojourned abroad for less than six months. They should not be issued in countries of which applicants are natives, and they should contain statements that they are not valid in such countries. They should be issued only to persons desiring to return

immediately to the United States, and should not be issued to persons desiring to visit countries with which their native countries are at war.

Special consular registration certificates may be issued to wives of persons in the United States who have resided here for more than three years and have made declarations of their intention to become American citizens. Such certificates should not describe the holders as American citizens, but should set forth their exact status.

Other than the above, no formal documents should be issued by embassies, legations, or consulates of the United States to persons abroad. In cases of doubt, Department's authorization should be obtained before passports or registration certificates are issued.

Repeat to consulates.

LANSING.

*The Secretary of State to American Diplomatic and Consular Officers.*

[Circular.]

DEPARTMENT OF STATE,  
Washington, December 21, 1914.

#### NEW PASSPORT REGULATIONS.

GENTLEMEN: In confirmation of the Department's recent telegraphic instructions to diplomatic and certain consular officers concerning the preparation of applications for Departmental and emergency passports, and the issuance of the latter, the following instructions are given for your guidance. These instructions are prescribed in pursuance of the passport regulations signed by the President November 13, 1914.

#### EVIDENCE OF CITIZENSHIP AND IDENTIFICATION.

Conditions precedent to the granting of a passport are, under the law and rules prescribed by authority of the law, that the citizenship of the applicant, his identity, and, as a rule, his permanent residence in the United States and definite intention to return to it, with the purpose of performing the duties of citizenship, shall satisfactorily be established. (See circular instruction of July 26, 1910, entitled "Protection of Native Americans Residing Abroad," and circular instruction of April 19, 1907, entitled "Expatriation," as amended by circular instruction of May 14, 1908.) Exceptions to the latter condition may be made in some cases by special direction of the Department, particularly, in cases of persons

residing abroad as representatives of American trade and commerce and as missionaries of American church organizations.

The applicant should, if possible, be introduced by a reputable person known to the office which takes the application, or, if this is impossible, he should be required to identify himself by satisfactory documentary evidence. In doubtful cases references to persons in this country should be required, so that the Department may make proper enquiries concerning the applicants.

*Emergency passports and consular registration certificates should not be accepted as conclusive evidence of citizenship.* In this relation it may be observed that in some cases such documents have been issued hastily and without proper examination into the citizenship and identity of the applicants, especially during the period immediately following the outbreak of the present European war.

#### NATIVE AMERICAN CITIZENS.

In taking the passport application of a person alleging native citizenship, you should require the applicant to submit a birth certificate, if possible, or letters or other documents satisfactorily establishing his citizenship. The nature of the evidence submitted to you must be stated in the passport application.

#### NATURALIZED AMERICAN CITIZENS.

A person claiming citizenship by naturalization *must be required to submit his certificate of naturalization or a certified copy of the court record thereof, or an old passport issued by the Department, and his passport application must state the name of the court in which he obtained naturalization and the date thereof.* If any such person is unable to submit such documentary evidence of his naturalization, you should inform the Department of the name of the court in which he alleges that he obtained naturalization and the date thereof, so that the Department may take steps to verify his allegation.

#### PHOTOGRAPHS OF APPLICANTS.

Each applicant for a passport must submit triplicate unmounted photographs of himself on thin paper, not larger than three by three inches in size, one to be attached to each of his applications by the officer before whom they are executed, and the third to be attached to the passport and to be partly stamped with an impression of the seal of the issuing office.

An application forwarded to the Department for a regular passport must necessarily be accompanied by a loose photograph of the applicant in addition to the one attached to the application, so that the former may be attached to the passport, with an impression of the Department's seal.

#### NAMES OF COUNTRIES APPLICANTS EXPECT TO VISIT AND OBJECTS OF VISITS.

Each application must state the names of the countries which the applicant expects to visit and the object of the visit. The statement concerning the object of the applicant's visit should be general in form, thus: "Commercial business," "health," "study," "visiting relatives," "recreation," "settling an estate," etc.

With reference to the statement "commercial business," you are instructed that no mention should be made of the exact nature of the business in which the applicant is engaged; that is, it would be improper to state the name or names of the concerns which the applicant represents or the nature of the goods which he expects to purchase or sell. (The form of the statement written upon the faces of the passports is quoted below.)

#### ISSUANCE OF EMERGENCY PASSPORTS.

Diplomatic and consular officers authorized to issue emergency passports should exercise the greatest caution in doing so, and should require of each applicant unquestionable evidence of his citizenship and identity. A photograph of the applicant should be attached to the passport (in the upper left hand corner) with an impression of the seal of the issuing office, which should be so placed as partly to cover one side but not the features. The following statement should be made upon the face of the passport (in the upper right hand corner):

The person to whom this passport is issued has declared under oath that he desires it for use in visiting the countries hereinafter named, for the following objects:

|                    |                    |
|--------------------|--------------------|
| .....              | .....              |
| (Name of country.) | (Object of visit.) |
| .....              | .....              |
| (Name of country.) | (Object of visit.) |
| .....              | .....              |
| (Name of country.) | (Object of visit.) |

This passport is not valid for use in other countries except for necessary transit to or from the countries named.



Rubber stamps should be used in making the above form of statement.

When an American citizen, sojourning abroad and holding a passport limited for use in certain countries, finds it necessary to visit another country, not mentioned therein, he may turn in the passport which he holds at the American Embassy, Legation, or Consulate authorized to issue emergency passports in the country where he is sojourning, and obtain an emergency passport limited for use in the particular trip which he has in view. Upon his return, he may surrender such emergency passport and recover the passport which he previously held. It is not proper for one person to hold two valid passports.

In the issuance of emergency passports under the conditions just mentioned the same rules should be observed as in the issuance of emergency passports in general.

#### AMENDMENT OF PASSPORTS ISSUED PRIOR TO THESE REGULATIONS.

American citizens holding valid passports issued prior to these regulations should be notified, through the press or otherwise, to present themselves to a diplomatic or consular office within two weeks, if possible, so that their passports may be amended to conform with the new passport regulations. The Department has reason to believe that there are some persons abroad holding emergency, and perhaps Departmental, passports to which they are not entitled. Therefore, when a passport is presented to you for amendment in accordance with the new regulations, you should examine the holder carefully and require him to submit the same evidence of his citizenship and identity which would be required of him were he making an original application for a passport. If any holder of a passport appears to be not entitled to it, you should retain the passport, investigate the case, and inform the Department fully of the pertinent facts and your conclusions.

All holders of emergency passports who expect to continue their residence abroad for a considerable period, should be notified to apply forthwith for regular Departmental passports.

W. J. BRYAN.

*Minister Whitlock to the Secretary of State.*

[Telegram.]

AMERICAN LEGATION,  
Brussels, December 30, 1914.

American tourists continue to come to Belgium ostensibly to do charity work, bring in money or take out women and children, but in reality to satisfy curiosity and a desire to see Belgium. Despite all our warnings and public announcements of German military authorities a great many of them persist in carrying private letters and doing other things that might affect our neutrality. Subordinate German frontier officials usually permit entry into Belgium without difficulty on presentation of ordinary passport, but traveling about the country and departure from it require special representations by the Legation, use of influence which should be devoted to more important matters, and add to our responsibility. I feel very strongly that we should take all possible measures to preserve the influence and prestige of the Legation and commission upon which the food supply of the civil population now depends.

I venture therefore to urge upon the Department that it decline to grant passports for traveling into Belgium except in cases of proven necessity. I venture further to recommend that the Department endorse ordinary passports "not good for traveling into Belgium." I trust that the Department will also advise diplomatic and consular officers in this sense and will further advise them to dissuade bearers of passports from attempting to cross the border.

WHITLOCK.

*The Secretary of State to Ambassador Sharp.<sup>1</sup>*

[Telegram.]

DEPARTMENT OF STATE,  
Washington, January 7, 1915.

Do not issue emergency passports for use in Belgium unless applicants obliged to go thither by special exigency or authorized by Red Cross or Belgian Relief Commission.

BRYAN.

<sup>1</sup> Same, mutatis mutandis, to the Embassies at Berlin, London, and Rome, and the Legations at The Hague and Copenhagen.

*The Secretary of State to the American Diplomatic and Consular Officers  
(Including Consular Agents.)*

[Circular.]

DEPARTMENT OF STATE,  
Washington, February 8, 1915.

TERMINATION, EXTENSION, AND AMENDMENT OF PASSPORTS, AND ADVICE  
TO AMERICANS TRAVELING ABROAD.

GENTLEMEN: The Department sends you herewith a copy of the "Rules Governing the Granting and Issuing of Passports in the United States," signed by the President January 12, 1915, which became effective February 1, 1915. Your particular attention is called to section 11 of the rules, which reads as follows:

*Expiration and renewal of passport.*—A passport expires six months from the date of its issuance. A new one will be issued upon a new application, accompanied by the old passport, and, if the applicant be a naturalized citizen, the old passport will be accepted in lieu of a certificate of naturalization, if the application upon which it was issued is found to contain sufficient information as to the naturalization of the applicant. Passports are not renewed by the Department, but a person abroad holding a passport issued by the Department may have it renewed for a period of six months upon presenting it to a diplomatic or principal consular officer of the United States, when it is about to expire, with a sworn statement of the names of the countries which he expects to visit and the objects of his visits thereto. No passport shall be renewed more than twice.

The statement inserted in the passport concerning the names of the countries which the holder expects to visit and the objects of his visits thereto has been amended to read as follows:

The person to whom this passport is issued has declared under oath that he desires it for use in visiting the countries hereinafter named, for the following objects:

|                             |                             |
|-----------------------------|-----------------------------|
| .....<br>(Name of country.) | .....<br>(Object of visit.) |
| .....<br>(Name of country.) | .....<br>(Object of visit.) |
| .....<br>(Name of country.) | .....<br>(Object of visit.) |

This passport is not valid for use in other countries except for necessary transit to or from the countries named, unless amended by an American diplomatic or principal consular officer.

You will note that passports issued by the Department are now to expire six months from the date of issuance, but that they are renewed twice by diplomatic or consular officers, instead of once heretofore. You will also note that diplomatic and consular officers are authorized to amend the statement concerning the countries to be visited and the objects of the visits.

In extending a Department passport, which is about to expire, should use the following form:

Extended for six months from date of expiration.

.....  
(American ambassador, minister, consul-general, or consul.)

at .....  
(Date.)

It would be advisable to have rubber stamps prepared for the statement.

When a person holding a passport limited for use in certain countries named therein presents a satisfactory sworn statement to the Department that it is necessary for him to visit a country or countries not named therein, for a legitimate object, you may amend the passport to permit him to do so, using the following form:

Upon the sworn application of the holder of this passport, it is hereby authorized for use in visiting the additional countries hereinafter named, for the following

|                             |                             |
|-----------------------------|-----------------------------|
| .....<br>(Name of country.) | .....<br>(Object of visit.) |
| .....<br>(Name of country.) | .....<br>(Object of visit.) |
| .....<br>(Name of country.) | .....<br>(Object of visit.) |

.....  
(American ambassador, minister, consul-general, or consul.)

at .....  
(Date.)

For this statement also you should have rubber stamps prepared.

In each case in which a passport is amended a memorandum of amendment should be made and forwarded to the Department, attached to the original application for the passport. Except in unusual cases

cases, it will not be necessary to accompany such memoranda with regular despatches.

When a passport is amended in the manner indicated it is, of course, unnecessary to issue an emergency passport, as authorized by the general instruction of December 21, 1914, entitled "New Passport Regulations" (page 3).

2. The Department also sends herewith copies of its printed circulars of February 8, 1915, and November 17, 1914, entitled, respectively, "Notice Concerning Passports and Registration in Consulates," and "Notice to American Citizens who Contemplate Visiting Belligerent Countries."

In the circular first named, attention is called to the necessity of having passports visaed for entrance into certain countries, and the advisability of having them visaed for entrance into other countries. American citizens are also reminded that, when they make a prolonged stay in any foreign country, they should apply for consular registration at the American consulate nearest the place in which they are sojourning.

In the circular of November 17, Americans are advised not to visit belligerent countries unnecessarily, and particularly to avoid, if possible, passing through or from a belligerent country to a country which is at war therewith. The reasons for this advice are obvious. Those who find it necessary to go to belligerent countries are advised concerning the necessity of providing themselves with passports, and other documentary identification. They are also cautioned to avoid unneutral conduct or utterances. In this relation, it may be observed in passing that it is even more important, if possible, for those who represent this Government officially to avoid unneutral conduct or utterances.

Before issuing an emergency passport, or extending a Department passport, to enable the holder to visit a belligerent country, you should endeavor to ascertain, by discreet inquiry, whether he intends to visit such country for a legitimate purpose, not inconsistent with his status as an American citizen, although, in the case of a person traveling abroad as representative of an American concern, it is not necessary or proper to state in the passport the name of the concern which he represents or the nature of the goods which he is endeavoring to sell.

If you deem it advisable, you may have extra copies of the two circulars last mentioned printed, for distribution on occasion to American citizens.

I am, etc.,

W. J. BRYAN.

## [Inclosure 1.]

## RULES GOVERNING THE GRANTING AND ISSUING OF PASSPORTS IN THE UNITED STATES.

1. *Authority to issue.*—Section 4075 of the Revised Statutes of the United States, as amended by the Act of Congress approved June 14, 1902, provides that "the Secretary of State may grant and issue passports, and cause passports to be granted, issued, and verified in foreign countries by such diplomatic or consular officers of the United States, and by such chief or other executive officer of the insular possessions of the United States, and under such rules as the President shall designate and prescribe for and on behalf of the United States." The following rules are accordingly prescribed for the granting and issuing of passports in the United States.

2. *By whom issued and refusal to issue.*—No one but the Secretary of State may grant and issue passports in the United States (Revised Statutes, sections 4075, 4078), and he is empowered to refuse them in his discretion.

Passports are not issued by American diplomatic and consular officers abroad, except in cases of emergency; and a citizen who is abroad and desires to procure a passport must apply therefor through the nearest diplomatic or consular officer to the Secretary of State.

Applications for passports by persons in Porto Rico or the Philippines should be made to the Chief Executives of those islands. The evidence required of such applicants is similar to that required of applicants in the United States.

3. *Fee.*—By Act of Congress approved March 23, 1888, a fee of one dollar is required to be collected for every citizen's passport. That amount in currency or postal money order should accompany each application made by a citizen of the United States. Orders should be made payable to the disbursing clerk of the Department of State. Drafts or checks will not be accepted.

4. *Applications.*—A person who is entitled to receive a passport, if within the United States, must submit a written application, in the form of an affidavit, to the Secretary of State. The application should be made by the person to whom the passport is to be issued and signed by him, as it is not proper for one person to apply for another.

The affidavit must be made before a clerk of a Federal or State court within the jurisdiction of which the applicant or his witness resides, and the seal of the court must be affixed.

If the applicant signs by mark, two attesting witnesses to his signature are required. The applicant is required to state the date and place of his birth, his occupation, the place of his permanent residence, and within what length of time he will return to the United States with the purpose of residing and performing the duties of citizenship. He is also required to state the names of the foreign countries which he expects to visit, and the objects of his visit thereto. The latter statement should be brief and general in form, thus: "commercial business";<sup>1</sup> "to attend to the settlement of an estate"; "to bring wife and children to this country."

The applicant must take the oath of allegiance to the United States.

The application must be accompanied by a description of the person applying,

<sup>1</sup> An applicant who states that he is going abroad on commercial business should submit with his application a letter from the head of the concern which he represents.

and should state the following particulars, viz: Age, —; stature, — feet — inches (English measure); forehead, —; eyes, —; nose, —; mouth, —; chin, —; hair, —; complexion, —; face, —; special identifying marks, if any (scars, birthmarks, etc.).

The application must also be accompanied by duplicate photographs of the applicant, on thin paper, unmounted, and not larger in size than three by three inches. One must be attached to the back of the application by the clerk of court before whom it is made, with an impression of the seal of the court so placed as to cover part of the photograph but not the features, and the other sent loose, to be attached to the passport by the Department. Photographs on cardboard or postcards will not be accepted.

• The application must be supported by an affidavit from at least one credible witness that the applicant is the person he represents himself to be, and that the facts stated in the application are true to the best of the witness's knowledge and belief. This affidavit must be made before the clerk of court before whom the application is executed and the witness must be an American citizen, who resides within the jurisdiction of the court. The applicant or his witness must be known to the clerk of court before whom the application is executed, or must be able to satisfy such officer as to his identity and the bona fides of the application.

5. *Native citizens.*—An application containing the information indicated by rule 4 will be sufficient evidence in the case of a native citizen; except that a person born in the United States in a place where births are recorded will be expected to submit a birth certificate with his application.

A person of the Chinese race, alleging birth in the United States, must obtain from the Commissioner of Immigration or Chinese inspector in charge at the port through which he proposes to leave the country a certificate upon his application, under the seal of such officer, showing that there has been granted to him by the latter a return certificate in accordance with rule 16 of the Chinese Regulations of the Department of Labor. For this purpose special blank forms of application for passports are provided.

Passports issued by the Department of State or its diplomatic or consular representatives are intended for identification and protection in foreign countries, and not to facilitate entry into the United States, immigration being under the supervision of the Department of Labor.

6. *A person born abroad whose father was a native citizen of the United States.*—In addition to the statements required by rule 4, his application must show that his father was born in the United States, resided therein, and was a citizen at the time of the applicant's birth. The Department may require that this affidavit be supported by that of one other citizen acquainted with the facts.

7. *Naturalized citizens.*—In addition to the statements required by rule 4, a naturalized citizen must transmit his certificate of naturalization, or a duly certified copy of the court record thereof, with his application. It will be returned to him after inspection. He must state in his affidavit when and from what port he emigrated to this country, what ship he sailed on, where he has lived since his arrival in the United States, when and before what court he was naturalized, and that he is the identical person described in the certificate of naturalization. The signature to the application should conform in orthography to the applicant's name as written

in his certificate of naturalization, or an explanation of the differences should be submitted.

8. *Woman's application.*—If she is unmarried, in addition to the statements required by rule 4, she could state that she has never been married. If she is the wife or widow of a native citizen of the United States the fact should be made to appear in her application, which should be made according to the form prescribed for a native citizen, whether she was born in this country or abroad. If she is the wife or widow of a naturalized citizen, in addition to the statements required by rule 4, she must transmit for inspection her husband's certificate of naturalization or a certified copy of the court record thereof, must state that she is the wife (or widow) of the person described therein, and must set forth the facts of his birth, emigration, naturalization, and residence, as required in the rules governing the application of a naturalized citizen. She should sign her own Christian name with the family name of her husband: (Thus, Mary Doe; not Mrs. John Doe.)

A married woman's citizenship follows that of her husband. It is essential, therefore, that a woman's marital relations be indicated in her application for a passport, and that in the case of a married woman her husband's citizenship be established.

9. *The child of a naturalized citizen claiming citizenship through the naturalization of the parent.*—In addition to the statements required by rule 4, the applicant must state that he or she is the son or daughter, as the case may be, of the person described in the certificate of naturalization, which must be submitted for inspection, and must set forth the facts of emigration, naturalization and residence, as required in the rules governing the application of a naturalized citizen.

10. *A resident of an insular possession of the United States who owes allegiance to the United States.*—In addition to the statements required by rule 4, he must state that he owes allegiance to the United States, and that he does not acknowledge allegiance to any other government, and must submit affidavits from at least two credible witnesses having good means of knowledge in substantiation of his statements of birth, residence, and loyalty. No fee is required for the issuance by the Department of an insular passport.

11. *Expiration and renewal of passport.*—A passport expires six months from the date of its issuance. A new one will be issued upon a new application, accompanied by the old passport, and, if the applicant be a naturalized citizen, the old passport will be accepted in lieu of a certificate of naturalization, if the application upon which it was issued is found to contain sufficient information as to the naturalization of the applicant. Passports are not renewed by the Department, but a person abroad holding a passport issued by the Department may have it renewed for a period of six months upon presenting it to a diplomatic or principal consular officer of the United States, when it is about to expire, with a sworn statement of the names of the countries which he expects to visit and the objects of his visits thereto. No passport shall be renewed more than twice.

12. *Wife, minor children, and servants.*—When the applicant is accompanied by his wife, minor children, and maid-servant, who is a citizen of the United States, it will be sufficient to state the fact, giving their names in full, the dates and places of their births, and the allegiance of the servant, when one passport will suffice for all. For a man-servant or any other person in the party a separate passport will be re-



quired. A woman's passport may include her minor children and maid-servant under the above-named conditions.

(The term "maid-servant" does not include a governess, tutor, pupil, companion, or person holding like relation to the applicant for a passport.)

13. *Titles*.—Professional and other titles will not be inserted in passports.

14. *Blank forms of application*.—They will be furnished by the Department free of charge to persons who desire to apply for passports. Supplies of blank applications are also furnished by the Department to clerks of courts.

15. *Address*.—Communications should be addressed to the Department of State, Bureau of Citizenship, and each communication should give the post-office address of the person to whom the answer is to be directed.

16. *Additional regulation*.—The Secretary of State is authorized to make regulations on the subject of issuing and granting passports additional to these rules and not inconsistent with them.

To become effective February 1, 1915.

WOODROW WILSON

THE WHITE HOUSE, January 12, 1915.

[Inclosure 2.]

#### NOTICE CONCERNING PASSPORTS AND REGISTRATION IN CONSULATES.

##### SIGNATURE OF PASSPORTS.

The person to whom this passport is issued is hereby directed to affix his signature thereon, in the space designated, immediately upon its receipt.

##### VISA OF PASSPORT.

The Department understands that it is necessary to have passports visaed for entry into the following countries, by diplomatic or consular officers thereof: Russia, Turkey, Italy, Germany, Roumania, and Serbia.

Passports of American citizens going to Russia should be visaed by a Russian consular officer, preferably in the United States, at San Francisco, Chicago, or New York City. One who desires to have the visa of his passport for Russia cover a period longer than three months should make a special request to that effect.

Passports to be used in Turkey should be visaed by a Turkish consular officer, either in the United States, at San Francisco, Chicago, Boston, or New York City, or at a Turkish consulate abroad.

Passports to be used in Italy should be visaed by an Italian consular officer, preferably in the United States.

Passports to be used in Germany should be visaed by a German diplomatic or consular officer, preferably in the United States.

Passports to be used in Serbia should be visaed by the Serbian Consul-General in New York City, or by a diplomatic or consular officer of Serbia in some foreign country.

Passports to be used in Roumania should be visaed by a Roumanian diplomatic or consular officer in some foreign country, there being no diplomatic or consular officers of Roumania in the United States.

The Department understands that it is advisable to have passports visaed by consular officers of the following countries, for use therein: Austria-Hungary, Denmark, and France; and that it is advisable to have them visaed for use in Spain by the Spanish Ambassador in Washington or a Spanish consul in New York City, New Orleans, or San Francisco. It is deemed advisable for persons going to Bulgaria to have their passports visaed by the Consul-General of Bulgaria in New York City, or by a diplomat or consular officer of Bulgaria in some foreign country.

The Department is informed that persons entering British territory are required to bear passports, but that it is not necessary that they should be visaed.

American citizens who expect to visit countries of Europe other than those named above should inquire of diplomatic or consular officers thereof concerning the necessity or advisability of having their passports visaed.

The Department of State does not act as the intermediary in procuring visas. Application should be made by the holder of the passport directly to the diplomatic or consular officer.

#### EXPIRATION AND RENEWAL OF PASSPORT.

A passport issued by the Department is valid for six months only, but may be extended when about to expire by a diplomatic or principal consular officer of the United States. No passport shall be extended more than twice. A person sojourning abroad whose passport has finally expired, after having been twice renewed, should apply for a new passport through a diplomatic or consular office.

#### AMENDMENT OF PASSPORT.

When the holder of a passport finds it necessary, after leaving the United States, to visit a country or countries not named in the passport, he may have it amended by a diplomatic or consular officer of the United States.

#### REGISTRATION IN CONSULATES.

American citizens who expect to make a prolonged stay in any foreign country should apply for consular registration to the American consulate in that country at or nearest the place in which they are sojourning.

DEPARTMENT OF STATE, *Washington, February 8, 1915.*

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#### [Inclosure 3.]

#### NOTICE TO AMERICAN CITIZENS WHO CONTEMPLATE VISITING BELLIGERENT COUNTRIES.

All American citizens who go abroad should carry American passports, and should inquire of diplomatic or consular officers of the countries which they expect to visit concerning the necessity of having the passports visaed therefor.

American citizens are advised to avoid visiting unnecessarily countries which are

at war, and particularly to avoid, if possible, passing through or from a belligerent country to a country which is at war therewith.

It is especially important that naturalized American citizens refrain from visiting their countries of origin and countries which are at war therewith.

As belligerent countries are accustomed, for self-protection, to scrutinize carefully aliens who enter their territories, American citizens who find it necessary to visit such countries should, as a matter of precaution and in order to avoid detention, provide themselves with letters or other documents, in addition to their passports, showing definitely the objects of their visits. In particular it is advisable for persons who go to belligerent countries as representatives of commercial concerns to carry letters of identification or introduction from such concerns.

American citizens sojourning in countries which are at war are warned to refrain from any conduct or utterances which might be considered offensive or contrary to the principles of strict neutrality.

W. J. BRYAN.

DEPARTMENT OF STATE, *Washington, November 17, 1914.*

NOTE.—An application for a passport must be accompanied by duplicate unmounted photographs of the applicant, not larger than 3 by 3 inches in size, one affixed to the back of the application by the clerk of court before whom it is executed, with an impression of the seal of the court; the other to be affixed to the passport by the Department.

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*Notice to American citizens who contemplate visiting belligerent countries.*

All American citizens who go abroad should carry American passports, and should inquire of diplomatic or consular officers of the countries which they expect to visit concerning the necessity of having the passports visaed therefor.

American citizens are advised to avoid visiting unnecessarily countries which are at war, and particularly to avoid, if possible, passing through or from a belligerent country to a country which is at war therewith.

It is especially important that naturalized American citizens refrain from visiting their countries of origin and countries which are at war therewith.

It is believed that governments of countries which are in a state of war do not welcome aliens who are traveling merely for curiosity or pleasure. Under the passport regulations prescribed by the President January 12, 1915, passports issued by this Government contain statements of the names of countries which the holders expect to visit and the objects of their visits thereto. The Department does not deem it

appropriate or advisable to issue passports to persons who contemplate visiting belligerent countries merely for "pleasure," "recreation," "touring," "sight-seeing," etc.

As belligerent countries are accustomed, for self-protection, to scrutinize carefully aliens who enter their territories, American citizens who find it necessary to visit such countries should, as a matter of precaution and in order to avoid detention, provide themselves with letters or other documents, in addition to their passports; showing definitely the objects of their visits. In particular it is advisable for persons who go to belligerent countries as representatives of commercial concerns to carry letters of identification or introduction from such concerns.

American citizens sojourning in countries which are at war are warned to refrain from any conduct or utterances which might be considered offensive or contrary to the principles of strict neutrality.

W. J. BRYAN.

DEPARTMENT OF STATE,  
*Washington, April 17, 1915.*

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*Notice concerning passports and registration in consulates.*

SIGNATURE OF PASSPORT.

The person to whom this passport is issued is hereby directed to affix his signature thereon, in the space designated, immediately upon its

VISA OF PASSPORT.

The Department understands that it is *necessary* to have passports visaed for entry into the following countries, by diplomatic or consular officers thereof: Russia, Turkey, Italy, Germany, France, Austria-Hungary, Roumania, and Serbia.

Passports of American citizens going to Russia should be visaed by a Russian consular officer, preferably in the United States, at San Francisco, Chicago, or New York City. One who desires to have the visa of his passport for Russia cover a period longer than three months should make a special request to that effect.

Passports to be used in Turkey should be visaed by a Turkish consular officer, either in the United States, at San Francisco, Chicago, Boston or New York City, or at a Turkish consulate abroad.

Passports to be used in Italy should be visaed by an Italian consular officer, preferably in the United States.

Passports to be used in Germany should be visaed by a German diplomatic or consular officer, preferably in the United States. Wives and children entering Germany must bear individual passports.

Passports to be used in France should be visaed by a French diplomatic or consular officer, preferably in the United States.

Passports to be used in Austria-Hungary should be visaed by an Austro-Hungarian diplomatic or consular officer, preferably in the United States.

Passports to be used in Serbia should be visaed by the Serbian Consul General in New York City or by a diplomatic or consular officer of Serbia in some foreign country.

Passports to be used in Roumania should be visaed by a Roumanian diplomatic or consular officer in some foreign country, there being no diplomatic or officers of Roumania in the United States.

The Department understands that it is *advisable* to have passports visaed by a consular officer of Denmark for use therein; and that it is advisable to have them visaed for use in Spain by the Spanish Ambassador in Washington or a Spanish consul in New York City, New Orleans, or San Francisco. It is deemed advisable for persons going to Bulgaria to have their passports visaed by the Consul General of Bulgaria in New York City or by a diplomatic or consular officer of Bulgaria in some Foreign country.

The Department is informed that persons entering British territory are required to bear passports, but that it is not necessary that they should be visaed.

American citizens who expect to visit countries of Europe other than those named above should inquire of diplomatic or consular officers thereof concerning the necessity or advisability of having their passports visaed.

The Department of State does not act as the intermediary in procuring visas. Application should be made by the holder of the passport directly to the diplomatic or consular officer.

#### EXPIRATION AND RENEWAL OF PASSPORT.

A passport issued by the Department is valid for six months only, but may be extended when about to expire by a diplomatic or principal consular officer of the United States. No passport shall be extended

more than twice. A person sojourning abroad whose passport has finally expired, after having been twice renewed, should apply for a new passport through a diplomatic or consular office.

#### AMENDMENT OF PASSPORT.

When the holder of a passport finds it necessary, after leaving the United States, to visit a country or countries not named in the passport, he may have it amended by a diplomatic or consular officer of the United States.

#### REGISTRATION IN CONSULATES.

American citizens who expect to make a prolonged stay in any foreign country should apply for consular registration to the American consulate in that country at or nearest the place in which they are sojourning.

DEPARTMENT OF STATE,  
*Washington, May 20, 1915.*

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#### *Rules governing the granting and issuing of passports to those who have declared their intention to become citizens of the United States.<sup>1</sup>*

1. The first section of the Act approved March 2, 1907, "in reference to the expatriation of citizens and their protection abroad," provides "That the Secretary of State shall be authorized, in his discretion, to issue passports to persons not citizens of the United States as follows: Where any person has made a declaration of intention to become such a citizen as provided by law and has resided in the United States for three years, a passport may be issued to him entitling him to the protection of this Government in any foreign country: *Provided*, That such passport shall not be valid for more than six months and shall not be renewed, and that such passport shall not entitle the holder to the protection of this Government in the country of which he was a citizen prior to making such declaration of intention."

2. This section is not intended to confer upon persons who have only

<sup>1</sup> Passports are not issued to declarants who are natives of countries which are at war, nor to declarants who intend to visit belligerent countries.

declared their intention to become citizens a general right to receive passports upon application. Such passports will be issued only when it is affirmatively shown to the Secretary of State that some special exigency requires the temporary absence of the applicant from the United States, and that without such absence the applicant would be subjected to special hardship or injury. Under this law passports can not be issued to declarants who intend visiting their native lands.

3. Such passports will not be issued to those who have made the declaration of intention and who have failed, through their own neglect, to complete their intention and secure naturalization as citizens of the United States; nor to those who may make the declaration of intention in order to secure passports and leave the United States, nor shall more than one such passport be issued to any applicant.

4. It is therefore ordered that before a passport shall be issued to anyone who has made the declaration of intention to become a citizen of the United States the following facts shall be established to the satisfaction of the Secretary of State:

(a) That the applicant has resided in the United States for at least five years as provided by law.

(b) That he is not yet eligible under the law for final naturalization.

(c) That at least six months have elapsed since the applicant's declaration of intention.

(d) That the applicant has not previously applied for and obtained a similar passport from this Department.

(e) That a special and imperative exigency exists requiring the absence of the applicant from the United States. The burden of proof will, in each case, be upon the applicant to show to the satisfaction of the Secretary of State that there is a necessity for his absence. The statement as to such necessity must be detailed and supported by satisfactory corroborative evidence. Under this rule passports will not be granted to persons who wish to go abroad as commercial travelers.

(f) That the applicant has not applied for or obtained a passport from any other Government since he declared his intention to become a citizen of the United States.

5. Applications must be made in the form of an affidavit to the Secretary of State. Blank forms of application are not furnished by the Department.

6. The affidavit must be executed before a clerk of a Federal or State

court within the jurisdiction of which the applicant or his witnesses reside and the seal of the court must be affixed.

7. If the applicant signs by mark, two attesting witnesses to his signature are required.

8. The applicant is required to state the date and place of his birth, the date of his emigration to this country, his occupation and the place of his permanent residence, the name of the court before which he declared his intention to become a citizen of the United States and the date of the declaration, where he intends to travel, how long he expects to remain in each foreign country, for what purpose he is proceeding abroad, the circumstances which make his absence necessary, that he intends to return to the United States, and the probable duration of his absence therefrom. No fee is prescribed by law for the issuance of a declarant's passport.

9. If any previous application for a similar passport has been denied by the Department, this fact must be stated by the applicant.

The application must be accompanied by a description of the person applying and should state the following particulars, namely: Age, ——— stature, ——— feet ——— inches (English measure); forehead, ——— eyes, ———; nose, ———; mouth, ———; chin, ———; hair, ——— complexion, ———; face, ———.

The application must also be accompanied by duplicate photograph of the applicant, on thin paper, unmounted, and not larger in size, three by three inches. One must be attached to the application by the clerk of the court before whom it is made, with an impression of the seal of the court so placed as to cover part of the photograph but not features, and the other sent loose, to be attached to the passport by the Department. Photographs on cardboard or postcards will not be accepted.

The applicant's declaration of intention must be forwarded with his application, which must also be accompanied by two supporting affidavits from citizens of the United States, who shall state that the applicant is the person he represents himself to be, how long they have known him, and that the facts stated in his affidavit are true to the best of their knowledge and belief.

A passport may be granted to a declarant under the statutory provision quoted above for purposes of identification and protection in foreign countries, other than his country of origin, but not for the purpose of facilitating reentry into this country. All matters relating to



immigration being under the supervision of the Department of Labor, any inquiries concerning the right to reënter the United States should be addressed to that Department.

W. J. BRYAN.

DEPARTMENT OF STATE,  
*Washington, June 1, 1915.*

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